CUTTING OF HAND AND ISLAMIC IDEOLOGY

A COMMENTARY ON THE RECOMMENDATIONS OF THE ADVISORY COUNCIL ON ISLAMIC IDEOLOGY WITH SOME OF THE SALIENT FEATURES OF ISLAMIC IDEOLOGY BROUGHT OUT IN CONSPICUOUS WORDS WITH COMMENTS FROM JUDGES *of* THE SUPREME COURT AND HIGH COURTS, WORLD FAMOUS RESEARCH SCHOLARS, DOCTORS LAWYERS, JURISTS, JOURNALISTS & EMINENT WRITERS OF PAKISTAN AND ELSEWHERE AND RECOMMENTS BY THE AUTHOR

BY

MOHAMMAD IQBAL GHAZI

ADVOCATE

Supreme Court of Pakistan and
High Court of West Pakistan

WITH A FOREWORD

BY

Mr. JUSTICE SAJJAD AHMAD JAN

JUDGE

Supreme Court of Pakistan

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Say, "The Truth is from your Lord" Let him who will Believe, and let him who will reject (it). (xviii : 29.)

وَقُلِ الْحَقُّ مِنْ رَّبِّكُمْ قف فَمَنْ شَاۤءَ فَلْيُؤْمِنْ وَّمَنْ شَاۤءَ فَلْيَكْفُرْ لا (الکہف۔۲۹)

یہ بندگی خدائی ، وہ بندگی گدائی
یا بندۂ خدا بن ، یا بندۂ زمانہ

اقبال

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CONTENTS

FOREWORD

I have read with deep interest Mr. Muhammad Iqbal Ghazi's treatise on "Cutting of Hands and Islamic Ideology", including the comments received on it from different quarters. Mr. Ghazi has undoubtedly enunciated briefly, but very lucidly, some of the salient features of the socio-economic polity envisaged by the Islamic faith which must, of necessity, regulate social conduct in human relations to ensure the end-product of an Islamic society imbued with Islamic disciplines on a correct pattern. However, his thesis that theft (سرقہ) which is one of the *Hadd* crimes, as distinguished from Ta'ziri crimes of the classic Muslim Law, should not be visited with the punishment of "Cutting of Hands", unless all the concomitants of an Islamic social order co-exist, is ingenuously attractive, but not free from legal pitfalls. If this principle is to be accepted without reservation, it would be difficult to refute the argument that all mandatory injunctions which entail moral and spiritual obligations can be suspended with impunity unless a full-fledged Islamic order is present to conduce to the fulfilment of these obligations. But, at the same time, the contention of Mr. Ghazi is not without force; that in an integrated Legal and Social System such as Islam sponsors with divine authority, piecemeal legislative reforms would be lop-sided, lacking environmental harmony which is very essential for the effective operation of all laws, if it is easy to understand that with Islamic social

order fully established in a society, Sarqa (theft) inviting the extreme punishment of قطع ید will indeed be a rare phenomenon.

I have always felt that the claim of Islam as a universal religion (*i.e.*, a way of life) for all times is unquestionably true, which permits a flexibility and change in its social laws to regulate social behaviour, subject, of course, to the overriding effect of the fundamental and immutable commandments in this behalf as laid down in the Quran.

In my view, "Cutting of Hands" as a physical and a penal punishment for Sarqa, is the maximum penalty prescribed for that crime in Islamic Jurisprudence. But it does not mean that it is the only irreducible minimum punishment which cannot be commuted to lesser or minor punishments depending on the nature of the crime, the circumstances in which it is committed and the retributive deterrent or reformatory purpose for which the punishment is intended to serve in a given case. It would defeat the real object of a punishment if it is awarded blindly, divorced from the context of the incidence of the crime, the antecedents and the situation of the offender and the moral and political sensibilities of the society against which that offence is committed and has to be vindicated.

As "Din-i-Fitrat" with liberality of outlook, it would be uncharitable for anyone to say that Islam is hide-bound by fixed social laws and its criminology is tied down to relentless punitive measures to be uniformly applied, regardless of the state of the

society and the needs which the laws are intended to meet. In case of the fundamental constitutional laws, as already stated above, the position is different and if any law or social behaviour comes into conflict with those fundamental laws, it has to be unequivocally denounced and punished consistently with the mandate of those laws.

Mr. Ghazi's booklet which bears marks of his painstaking industry, calls for research on these and allied matters and I hope that, in due course, he will be able to find time to utilize his profound knowledge, talents and legal acumen by methodical research, to a proper appraisement and solution of these problems to help in the progressive evolution of Islamic laws without impairing their pristine purity and universality of application. My own conviction which is resolutely firm, is that the fundamentals of Islamic faith and all Quranic laws are truly humane, consistent with the laws of nature and that they can meet all challenges to answer the calls and demands of humanity at all junctures and at all times.

Lahore :
April 4, 1970

Sajjad Ahmad Jan
Judge
Supreme Court of Pakistan.

PREFACE TO THE SECOND EDITION

The writers of modern jurisprudence deny the existence of any principle of civil law in Nature. They vehemently aver that all laws for regulating the conduct of human behaviour emerge from human agencies; and therefore, with all emphasis, establish in the common man, the sole authority of law-making. In the physical and psychic world, we observe immutable and unrelenting laws ruling the whole perceptible phenomena. The knowledge of these laws furnish the basis of our learning and prudence and also of our achievements and accomplishments in which we exult, and on which we have built our civilization and culture. It is, as such, quite incompatible that our Lord and Cherisher has left us without any laws or principles to guide us in our mutual relations or social and economic affairs. In reality, the fault lies with us that we deal with life in fragmentation; and look upon humanity as divided in the form of nations, groups; sects and individuals. Even in the matter of pure medicine we do not look at our own economy as one united psycho-somatic whole and by fetishes of our imagination distribute it into parts and organs, and create specialists forgetting for ever its integrity and wholeness. Religion supplies and reimburses this type of deficiency in our outlook on life. Islam treats life in all its aspects and variations as one united whole, as linked and combined ramifications springing from one common root.

On this fundament, it discerns immutable principles of social life based on natural phenomena as has been felt and experienced by men of vision and revelation for thousands of years. Life, therefore, segregated from religion is a farce and jurisprudence not based on natural phenomena, that is to say on the "Will" of Almighty God, is itself a perversion.

The present unrest in the world, the uncalled for rise in the prices of the necessaries of life, the daily devaluations of the currencies, the bonus voucher schemes, the development loans bereft of any palpable benefit, rather adding to the groans and sighs of the common man; the wars, blazed and wrought up by machinations and manipulations to provide a fertilizing ground for the cultivation of 'Capital', some high powers under the yoke of "interest" being reduced gradually to the lower grade and the genocide of humanity on the false ground of penury and hunger.........all go to show how truthful is religion when it declares "interest" to be the greatest enemy of mankind that has brought it on the brink of death and destruction.

I received many orders for the supply of this booklet, but as the first edition exhausted soon, I could not comply with them. It is highly encouraging to me that this booklet achieved great popularity in foreign lands. It has got a message and if it reaches in proper hands, I think I have discharged my burden.

The present edition has got a further merit and it forms, as well, a brief record of some very great

contemporary lives who have taken an active part in this discussion with me. Their comments and my recomments give an air of completeness to my work.

In the end I thank heartily Kh. Mohammad Ashraf Darr who in spite of his very busy hours, took great pains in going through the original manuscript purely from linguistic point of view. But for his valuable suggestions, it remains unaltered.

In spite of his age and health, personal and professional engagements, Mr. B. Z. Kaikaus has studied strenuously from literal and ideological point of view all the present materials. I find no words to convey my thanks to him for this "love's labour lost" trouble.

MOHAMMAD IQBAL GHAZI

Jan. 14, 1968

PREFACE TO THE FIRST EDITION

The theme of this small treatise is very simple and can be summarised in the following words: The punishment of the cutting of hands is part and parcel of a particular system of life that in its very nature is singular, unique, inseparable, indivisible, well-balanced, one united absolute whole which we term in our common parlance as Islam. Until and unless this system of life is enforced in its entirety such punishments cannot be enjoined; they would be synonymous with tyranny and oppression. Islam stands for the Rule of Law (حکومت شرعیہ) and the "Independence of Judiciary". But these are minor off-shoots of the Islamic Ideology that emerges in its turn from the Oneness of God. The laws in Islam, as distinguished from other systems, are the juridical deductions from the fundament of the Holy Qur'an. To quote an example, the Islamic rules of Evidence are at variance with our present Law of Evidence. Our Evidence Act, in fact, is the growth of the mind of a particular regime under a special set of circumstances that, with certain political ends in view, drafted this piece of legislation. The said regime, as a matter of fact, was ruling over a foreign nation and, in order to push their policies forward had, invariably, to depend on insufficient evidence. They, therefore, deliberately kept certain lacunae in the Evidence Act and justified them as modifications rendered necessary by the particular circumstances of the country. It is for this that, despite the best wishes and endeavours of our

judges, the police-stock witnesses, and perjurers and liars find their way in moulding the administration of justice.

In these circumstances, if we enforce these punishments, we will have handless people in every nook and corner of the country, all bereft of any provision for future life, for them or their dependents. Islam, on the contrary, when laying down these punishments, puts a great responsibility on the society and State to provide every one of its members according to his needs and requirements. These punishments, so to say, are conditional. We, therefore, find instances in the early Caliphate when in the days of dearth and scarcity, these punishments were suspended.

While discussing punishments, I have, though to a very limited extent, tried to discuss the Islamic Ideology, else this treatise would have remained inconclusive. The English translation of the Arabic verses of the Holy Qur'an is that of Allama Abdullah Yusuf Ali. To avoid unnecessary controversies, I have made frequent references only to the Holy Qur'an and have deliberately not sought support from other sources.

During the period my manuscript was in the process of printing the controversy that "Islamic socialism is a fraud" became a heated topic. My treatise, initially, is not written for that purpose ; but those who think so sincerely and innocently, will find sufficient material therein to amend, re-evaluate and re-adjust their points of view.

In the end I deem it my duty to acknowledge my gratitude to Mr. Justice (Sardar) Mohammad Iqbal Khan, Judge, West Pakistan High Court, Lahore ; Malik

Mohammad Aslam, Syed Manzoor Hussain Shah Bokhari and Mian Ghulam Mustafa, Advocates; Hafiz Ahmad Yar, Lecturer, Department of Islamic Studies, Panjab University, Dr. Mohammad Iqbal Ahmad Qureshi, Mian Khuda Yar Amritsari and Ch. Mohammad Siddique, M.A., Librarian, Islamia College, Civil Lines, Lahore for very minutely going through the manuscript in spite of their versatile engagements and making very valuable and cordial suggestions. I also contacted Allama Ala-ud-Din Siddiqui but he showed his inability to go through the manuscript as he was proceeding to West Germany on the 8th July 1966.

MOHAMMAD IQBAL GHAZI

6th of July 1966.

مسافر عصا ٹیکتا جا رہا تھا
خدا جانے کیا دیکھتا جا رہا تھا

(ایس - اے رحمان)

THE PROBLEM

IT is echoed in certain quarters that the Qur'ānic punishments of the cutting of hand, etc. should be passed into legislation for the offence of theft. It bewilders me when I find such a suggestion proceeding from a body like "The Advisory Council on Islamic Ideology", and other high personalities concerned with Law and Authority—the personalities entrusted to mould the future destiny of the nation and in consequence thereof that of Islam. It bewilders me all the more when I find in the chair of the Advisory Council a staunch Muslim of unique personality and of unquestionable ability who is not only a venerable teacher of Islamiat but also a man of great learning, understanding full well the 'Ideology of Islam'. This suggestion is proceeding perhaps on the assumption that these punishments are a thing separate, independent and isolated from the other injunctions of the Holy Qur'ān, and, if adopted by the Legislature, would be an efficient means towards the gradual realisation of the Islamic Ideology; or perhaps, being dreadful and drastic in their character, would have a wholesome influence on the malefactors of society; or, perhaps, these punishments have an element of ethics in them and so, by making these recommendations to the Legislature, we are rendering a great service to the Ethics of Islam.

Impotence of Human Reason

Though there is nothing in the Holy Qur'ān that,

by any stretch of imagination, could be said to be devoid of reason and intellect, as directly flowing from the 'Supreme Intelligence' Himself, yet reason alone, our reason being quite imperfect, cannot be a guide in matters so important. Reason, no doubt, is a great power of the sort of 'electricity emanating great energy' wherefore we can lay colossal designs and implement gigantic projects, but it is like a bolter that ever remains in tough fight with its own bridle. "Reason," says an eminent English jurist,[1] "is such a box of quicksilver that abides nowhere; it dwells in no settled mansions; it is like a dove's neck . . . and if we enquire after the law of Nature by the rule of our reason, we shall be as uncertain as the discourses of the people or the dreams of the disturbed fancies."

Logic is the science of Reason! It assumes its fundamental postulate 'A' is 'A' while in nature we find no such complete identity. Logic defines "man" as a "rational animal" excluding the possibility of the "rational element" in all the other living world. But in this definition, firstly, the term "rational" itself requires elaboration and clarification, as we cannot say in unequivocal, unambiguous, unconditional, unqualified and definite terms that all the other life is devoid of this element; moreover, it may be possible that the so-called other life may possess it in a very low degree or that we may not be enjoying the so-called "power of perception" to appreciate it. How tragic and baseless is the process of our reasoning, that soon after we theorise and postu-

[1]Jeremy Taylor, *Ductor Dubitantium*, quoted in Salmond's *Jurisprudence*.

late propositions and draw out inferences, our propositions, the very basis of our argument, appear to us fallacious and the most unstable; and we have often to quash them forming new ones, with no end to it.

It is on the score of this 'Reason' that man is tearing man. It is on the false philosophies couched in plausible language, by the persuasion of deceptive discourses pewed in flowery verbosity, that he has sowed and disseminated the seeds of schisms and dissensions among mankind, of the prejudices of class, colour, clime, creed, race, and religion, so that, it is on the brink of disruption. There is no peace in land, sea or air. The "rational man" educated in Science and Nature is involved day and night in creating machines of destruction. With Hydrogen and Atom Bombs in his hand, and lethal philosophies of genocide in his mind, he is leading on to the extinction of his own specie, and calls it the 'Struggle' and 'Strife' for the survival of the fittest; while in other species wherefrom he gets this idea we find no example of such a regimentation so as to divide the world in so dreadful an array of different *blocs*.

Reason is such a contriving machine that it can formulate cogent arguments for any verdict, right or wrong. What the man, perverse in thought, has not been doing? Killing and exacting blood for hand-made statues of stone, brass and wood; drowning his fair and innocent daughters to appease the deity of Nile, or sacrificing them on a false notion of pride; even more, burning alive his most beloved "better halves" in the fires of *sati*; but committing all these atrocious crimes with some reason behind! Even the greatest of the murderers, the thieves, the dacoits and all sorts of other

criminals do have their reasons to justify their nefarious activities !

Let me talk more of the reason of man. Man, as we all know, is the creature of his environment. What we call difficulties or obstacles are, in fact, an incentive to a further struggle. All our success in whatever field of life, all our art, civilization and culture, all our achievements and accomplishments, are but the tiny off-shoots of this small psychological factor. All that man glorifies and prides in is the work of great men who had to vanquish the strain of circumstances ; even these great men themselves were moulded by that strain. "Want" has been the flogging stripe to an intensive struggle, that is to say, the cause of fresh developments. But, perhaps, the modern man has grown old and so he shrinks from the strife of life. He raises the slogan in a cunning tone of Wisdom: The earth is unable to bear any more the burden ; procreate only to the extent of food available ; while he himself is dumping[1] the articles of food and does not allow others to share with him the resources of life and falsely imputes to the haves-nots their procreation, the cause of his self-wrought scarcity. Never had there been in the history a time when man was not haunted by the fear of 'want'. Had the primitive man living on a small hunt in the Stone Age acted upon his advice, man might yet been living in the Stone Age! Had Changez and Timur resorted to this type of thinking, the Mongolian race would never have been kings and lords all over the world, but a small group of herdsmen in the "Desert of Gobi". There would have

[1]This fact is a reality in some of the States of Latin America.

been no mansions, no palaces, no railways, no aeroplanes, no atomic energy, no space conquests. Man, content with whatever food available in nature, procreating only to that extent, would ever have remained in a fixed position! There would have been no discoveries, no inventions, no developments and no advancements.[1]

[1]Malthus wrote an essay on population wherein he propounded the proposition, "whereas population multiplies in geometrical progression, the produce is restricted. It increases only in arithmetical progression". His inferences are based on the insufficient data then available. It is the most ugly form of Determinism he expounded. Says the Holy Qur'ān:

And there is not a thing
But its (sources and) treasures
(Inexhaustible) are with Us:
But We only send down
Thereof in due and ascertainable
measures. (xv : 21)

وَإِنْ مِّنْ شَيْءٍ إِلَّا عِنْدَنَا خَزَائِنُهُ
وَمَا نُنَزِّلُهُ
إِلَّا بِقَدَرٍ مَّعْلُومٍ ○ (الحجر ۔ ۲۱)

The type of Determinism as that of Malthus was expounded as well by the Jews of Medina in the time of the Holy Prophet and the Holy Qur'ān says:

The Jews say: "God's hand
Is tied up". Be their hands
Tied up and they accursed
For the (blasphemy) they utter.
Nay, both His hands
Are widely outstretched:
He giveth and spendeth
(Of His bounty) as He pleaseth
But the revelation that
Cometh to thee from God
Increaseth in most of them
Their obstinate rebellion
And blasphemy. (v : 67)

وَقَالَتِ الْيَهُودُ يَدُ اللهِ مَغْلُولَةٌ ط
غُلَّتْ أَيْدِيهِمْ وَلُعِنُوا بِمَا قَالُوا م
بَلْ يَدٰهُ مَبْسُوطَتٰنِ لا
يُنْفِقُ كَيْفَ يَشَاءُ ط
وَلَيَزِيدَنَّ كَثِيرًا مِّنْهُمْ
مَّا أُنْزِلَ إِلَيْكَ مِنْ رَّبِّكَ طُغْيَانًا وَّكُفْرًا ط
(المائدة ۔ ۶۴)

This reminds me of a parable in the *Mathnavi* of Maulana Rum, of a cow that is growing lean and hungry in the grief that she would not get fodder from the field which she has grazed that day but finds on the very next day the field grown afresh.

Oh ! What is not on earth to make it a paradise for the living ? It is gushing forth its hidden treasures, it is yielding its produce. Perennial rivers are flowing, the seas are swelling, and the sky is overcast with rain-pregnant clouds. Fauna and flora are ringing and singing. There is plenty to eat, live and enjoy. There is a grandeur and beauty everywhere to refresh eye, ear and heart. For myriad of years, from generation to generation, its treasures have not exhausted. But the rational man, by his false thinking, unfounded fears, greed and avarice, has made a hell of it. What a tragedy of man's reason !

Let me also peep into the field of law. By the process of error and trial, man soon became conscious of the emptiness of the reason of a judge, and to save and protect himself from the dictates of his reason and conscience, that is to say, his whims and cravings, he was content to get justice by the definite, knowable, certain and fixed rules of law.[1] But as the human law

[1]It may be kept in mind, as emphasised in the books of English jurisprudence, that early rules of law were mere customs and conventions, visited for their breach by the community with hatred, contempt and ridicule. Later on these customs and conventions were recognised as law by the sovereign to be enforced by the force of the State, the breach whereof was visited with penalties and punishments. The later development of law included the 'judge-made law' as well as the commands of the sovereign, who generally in the earlier epochs had been a king-despot. 'The king-in-council' and 'the king-in-parliament' are assuredly still later developments when man had learned to get law through his chosen representatives. The last development evinces at least one factor, i.e., the further struggle of man to save himself from the tyranny of the commands of the despot sovereign. This law-making power invested to such sovereign or to the chosen representatives is further based on certain fictions known as fundamental conventions or theories like : "The king can commit no wrong", social contract theory and other philosophical or non-philosophical theories.

creating machine could never be perfect, disinterested, impartial, and all-embracing, man, therefore, has never been able to get the 'Idealistic justice'. As man is fickle by nature and changing physically and mentally with the change of every second, his self-made rules of law have never been constant and eternal in character. Man tried to give permanence and constancy to his laws by visiting the breach thereof with appalling punishments but they did culminate, in the long run, in those breaches of peace and security which are called 'Revolutions'.

It is an established fact of history that men of whatever rank and position, on the pure basis of abstract reason, whether acting individually or collectively, willingly or unwillingly, perceivingly or unperceivingly, can be led, and have been led, into the snares of evil or unreason on the considerations of good wishes, pricks of the conscious, honest opinions, side-views, prejudices, preoccupations, selfish motives, avarice, greed and aggrandizement. God Almighty, All-Knowing and Omniscient knew the impotence of the 'Reason' of man. Man was tried and tested but he failed ; so it was said :

"And if, as is sure, there comes to you
Guidance from Me, whosoever
Follows My guidance, on them
Shall be no fear, nor shall they grieve :
But those who reject faith
And belie Our signs,
They shall be companions of the Fire ;
They shall abide therein.
(ii : 38-39)

فَإِمَّا يَأْتِيَنَّكُم مِّنِّي هُدًى فَمَن تَبِعَ
هُدَايَ فَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ
يَحْزَنُونَ ○
وَالَّذِينَ كَفَرُوا وَكَذَّبُوا بِآيَاتِنَا أُولَٰئِكَ
أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ ○
(البقرة - ٣٨-٣٩)

Islam may not be supposed or taken to be averse to 'Reason' or 'Intellect' nor does it plead blind faith.

The scale is rather on the other side. Says the Holy Qur'ān :

Those who when they are
Admonished with the signs
Of their Lord, droop not down
At them as if they were
Deaf or blind. (xxv : 73)

وَالَّذِينَ إِذَا ذُكِّرُوا بِآيَاتِ رَبِّهِمْ
لَمْ يَخِرُّوا عَلَيْهَا صُمًّا وَعُمْيَانًا ○
(الفرقان-٧٣)

We are persuaded in the above verse not to take 'the Divine Revelation' in a self-lost mood! but to understand and absorb its underlying aim and wisdom with eyes fully open. Islam suggests the middle course: the Reason harnessed under the 'Divine Guidance'.

The Nature of the Religion of Islam

Before I dive deep into the actual subject I deem it most necessary to be very clear as to what type of religion Islam is. Islam is not to be thought of as a religion akin to other religions. It is not a compendium of unfounded rites or useless rituals, nor is it a system of blind worship; nor does it invent, promote or propagate a cult of priesthood; nor is it even a collection of unintelligible incantations. It is a definite outlook on life, purposeful and practicable. It is a system of life dealing with all that a man can aspire to ethically, spiritually, materially, mentally, and physically, individually or collectively. It is a balanced view of life; it is the middle course in all the extremes; it is the diameter equidistant from all the opposing points in a circle, nay, it is itself the centre of the circle; it is the one and the only straight line between the two points; it is the least common multiple realising fully all the aspirations of a man; it is the mean ratio in all the proportions. It is an unparallel synthesis, a beautiful

blend of the life temporal and spiritual, of the present and the future, of the here and the Hereafter.[1] Says the Holy Qur'ān :

Thus have We made of you
An Ummat Justly Balanced
That ye might be witnesses
Over the nations,
And the Apostle a witness
Over yourselves. (ii : 143)

وَكَذٰلِكَ جَعَلْنٰكُمْ اُمَّةً وَّسَطًا
لِّتَكُوْنُوْا شُهَدَآءَ عَلَى النَّاسِ
وَيَكُوْنَ الرَّسُوْلُ عَلَيْكُمْ شَهِيْدًا ؕ
(البقرة - ۱۴۳)

[1]It is certainly not a proper occasion to discuss "Hereafter" in this small dissertation, yet I would like to reproduce an early note of mine which I wrote while I drafted the constitution of Bazm-e-Ukhuwat, a Social Welfare Society (Regd.) of Bhati Gate, Lahore:

"All physical phenomena work in the service of man; nothing appears useless in this universe. Every atom has got its assigned role. In the physical world, as one of the properties of matter, nothing is destroyed or is extinct but only changes form. Complete annihilation is unknown in the realm of Universe. Every action and reaction, composition and decomposition, rest and conflict as observed, has some proper cause and a definite aim. It is impossible to say that life ends with the destruction of cells in a body. Life is not what is termed as cells. It is something beyond. Cells in a body are destroyed, vanished and reproduced, but life continues. By amputating every limb or particle from a body and then replacing it alternately, we find that life continues in spite of such like operations. Man, in his personal experience, is a child at a time, then a grown-up man and then an old man, sometimes healthy and sometimes sick. In all the phases of life, there does occur drastic changes in his form, mind and body due to the destruction of body cells, but his 'Ego' or 'Personality' remains untouched which shows that the "life" is something above from the material body or mind. It is observed that by the force of evolution our bodies come into being and then are destroyed. But the evolution has not yet ended, it is all the more possible that we may be reincarnated into bodies as an ultimate end of the evolution.

"Everything—may it be the smallest or the biggest, how much it may appear conflicting or contradictory in its nature—is not separate and disunited, but interlinked and united with other natural phenomena and has got a specific role to perform in this Universe. The Nature's Masterpiece on this Earth, rather

Islam has emerged to see 'life' bloom full, pruning it, wherever necessary, of its rampant growth. It is the most intensive effort towards the UNITY of mankind on the fair, sound, and BALANCED principles, leading man on to the conquest of Nature. It is an URGE[1] from the Supreme Will and Intelligence, from the Creator of life Himself, to Guide man towards Paradise —a place where life becomes free from all afflictions, anguishes and griefs, ranges fully and vigorously in all its legitimate offshoots, realises all its aspirations to the

that of the Universe, is Man—the Supreme Authority endowed with life, soul, mind or conscience, so to say. The Universe viewed as a whole, appears to serve the man as an ultimate end. Is this all purposeless ? Are all laws, governing the Universe that are correct to the subtlest mathematical calculations, a vain sport ? Our smallest invention has got a purpose. We controvert this suggestion because we claim to have a conscience and in the outward Nature, as to us, we find conscience in no other being. But if our smallest invention is an act of the conscience, why not this great Universe ? It is no argument to deny the Supreme Conscience because we, with our tiny structure and limited powers, are unable to appreciate it. Man in inter-man relations, values his thoughts and actions. The body is simply an aid to achieve this end. Inventions of wireless, television and other mechanical devices have proved that nothing of the gestures and of the sound is destroyed, rather t is preserved. If we have means, we can view the thoughts and actions of any being on earth from beginning till Eternity, we can hear him speak and can see him conduct his affairs. All this point to the final adjustment of values, and that the man on the Earth has got a purpose in it. Hence the life Hereafter, Resurrection and the final Reckoning of man."

[1]Says the Holy Qur'ān :
Say : If God had so willed,
I should not have rehearsed it
To you, nor would He
Have made it known to you.
A whole life-time before this
Have I tarried amongst you :
Will you not then understand ?
(x : 16)

قُلْ لَّوْ شَآءَ اللّٰهُ مَا تَلَوْتُهٗ
عَلَيْكُمْ وَلَآ اَدْرٰىكُمْ بِهٖ ۖ
فَقَدْ لَبِثْتُ فِيْكُمْ عُمُرًا مِّنْ قَبْلِهٖ
اَفَلَا تَعْقِلُوْنَ ○ (يونس. ١٦)

brim and achieves peace and security from Eternity to Affinity, with the Final and the Highest of the Bliss of the sight of the Supreme Being, the Lord, the Creator, the Cherisher, and the Sustainer of the life here or elsewhere.

Islam is a religion of 'Peace' ; its root is 'peace' (سلم), the peace for the quest of which every day a new ideology is constructed ; a new war is wrought up. To have a glance at this fairy of the dreams, how many generations of man have been sacrificed ; how many conditions of life have been spared and spoiled ; but this fairy of the fairies has ever remained an illusion. All our conceptions of 'Defence,' 'Law,' 'Justice' and 'Punishment,' and all our 'isms' and 'acies' as, for example, Socialism, Communism, Anarchism, Democracy, Aristocracy and Plutocracy, etc., indicate nothing else but man's headlong struggle to have a glance at it. The U.N.O.'s slogans of the 'Balance of Power,' and of the 'Maintenance of Peace and Order' are only a re-echo of this desire. Islam not only proclaims or promises but, rather, awards it. Says the Holy Qur'an :

Verily the Companions
Of the Garden shall
That day have joy
In all that they do ;
They and their associates
Will be in groves
Of (cool) shade, reclining
On thrones (of dignity)
Every fruit (enjoyment)
Will be there for them ;
They shall have whatever
They call for ;
"Peace" ! —a word
(Of salutation) from a Lord
Most Merciful !

(xxxvi : 55—58)

إِنَّ أَصْحٰبَ الْجَنَّةِ
الْيَوْمَ فِي شُغُلٍ فٰكِهُوْنَ ۝
هُمْ وَأَزْوَاجُهُمْ فِي ظِلٰلٍ
عَلَى الْأَرَآئِكِ مُتَّكِـُٔوْنَ ۝
لَهُمْ فِيْهَا فٰكِهَةٌ
وَّلَهُمْ مَّا يَدَّعُوْنَ ۝ سَلٰمٌ
قَوْلًا مِّنْ رَّبٍّ رَّحِيْمٍ ۝ (يٰس ٥٥-٥٨)

Yea, 'Peace' that Islam promises is not a cunning slogan of the politicians or depredators,[1] who with a view to enjoying exclusively their illegal gains and to gagging the mouth of the other claimants, adopt this slogan to snub and deter them. Islam offers a 'Peace', 'in Company', 'of the common enjoyment', 'with associates (better halves)', 'in circumstances calm and dignified', from the Lord, Provider, Cherisher and Sustainer of the life Himself that is to say, under the most favourable conditions of the life to the highest and the fullest development.[2]

[1]E.g., slogan of 'peace' of the European Nations who after invading and possessing vast tracts of land, namely, Continents like America, New Zealand, Australia, the large parts of South Africa and other colonial tracts in Asia have maintained their exclusive domination and supremacy by the cunning slogan of 'peace'. They annihilated the aborigines by organisations like Kuklux Klan; and by the theories of caste, colour, creed, nation and country and by devices like citizenship, passport and visa, they do not allow even the so-called civilised humanity to share their gains. But they have become "the champions of Peace"; what a tyranny of Fate!

[2]After I have done up with the subject, I have come across another idealistic verse of 'Peace'. I reproduce it below:

Those who believe,
And work in righteousness,
Their Lord will guide them
Because of their Faith:
Beneath them will flow
Rivers in Gardens of Bliss.
(This will be) their cry therein:
"Glory to thee, O God!"
And "Peace" will be their
greeting therein!
And close of their cry
Will be: Praise be to God,
The Cherisher and Sustainer
Of the Worlds!" (x : 9-10)

اِنَّ الَّذِیْنَ اٰمَنُوْا وَعَمِلُوا الصّٰلِحٰتِ
یَھْدِیْھِمْ رَبُّھُمْ بِاِیْمَانِھِمْ تَجْرِیْ مِنْ
تَحْتِھِمُ الْاَنْھٰرُ فِیْ جَنّٰتِ النَّعِیْمِ ○
دَعْوٰھُمْ فِیْھَا سُبْحٰنَکَ اللّٰھُمَّ
وَتَحِیَّتُھُمْ فِیْھَا سَلٰمٌ ج
وَاٰخِرُ دَعْوٰھُمْ
اَنِ الْحَمْدُ لِلّٰہِ رَبِّ الْعٰلَمِیْنَ ○ (یونس ۱۰)

God, in the Islamic concept of thought, is One and Unique. He loves exclusiveness. His is no equal or similar. What to say of compromising with any other deity, He does not even tolerate a thought of it. He is the Supreme Lord, the Most Exalted, the Most High. He is the Self-subsisting, Wise and Eternal. His is the Kingdom and the Dominion. He has no partner in His Kingdom and in His Dominion. He is the Truth; He is the Absolute—everything else is relative, created and dependant. Says the Holy Qur'ān :

If there were in the Heavens And the Earth, other gods Besides God, there would have been confusion in both !	لَوْ كَانَ فِيهِمَآ ءَالِهَةٌ إِلَّا ٱللَّهُ لَفَسَدَتَا ۚ
But glory to God, The Lord of the Throne : (High is He) above What they attribute to Him !	فَسُبْحَٰنَ ٱللَّهِ رَبِّ ٱلْعَرْشِ عَمَّا يَصِفُونَ ۝
He cannot be questioned For His acts, but they Will be questioned (for theirs). (xxi : 22-23)	لَا يُسْـَٔلُ عَمَّا يَفْعَلُ وَهُمْ يُسْـَٔلُونَ ۝ (الانبیا: ۲۲-۲۳)

We are living in uni- and not a multi-verse. The one purpose, the one design, the unity in diversity and the all-pervading harmony provide evidence of One Unique and Absolute Personality reigning everywhere.

As God is Absolute, so is His Law. He is One and Unique, so is His Mandate. Not only the physical, the mathematical or the scientific laws but all the Truth in whatever form available is inflexible, uncompromising and unbending.[1] Islam does not mince matters ; it is

[1] It is perhaps to emphasise this spirit of the Truth that the Hero of the Prophets (ص) said, "Place Sun on my right palm, and the Moon on my left, I will not desist from my mission" !

absolute and exclusive. Says the Holy Qur'ān :

The religion before God
Is Islam (submission to His will)
(iii : 19)

إِنَّ الدِّيْنَ عِنْدَ اللّٰهِ الْاِسْلَامُ قف
(آل عمران - ١٩)

Do they seek
For other than the religion
Of God ?—While all creatures
in Heaven and on Earth
Have willing or unwilling
Bowed to His will
(Accepted Islam)
And to Him shall they
All be brought back. (iii : 83)

أَفَغَيْرَ دِيْنِ اللّٰهِ يَبْغُوْنَ وَلَهٗٓ اَسْلَمَ
مَنْ فِي السَّمٰوٰتِ وَالْاَرْضِ
طَوْعًا وَّكَرْهًا
وَّاِلَيْهِ يُرْجَعُوْنَ ○ (آل عمران - ٨٣)

If anyone desires
A religion other than
Islam (submission to God)
Never will it be accepted
Of him ; and in the Hereafter
He will be in the ranks
Of those who have lost all
(iii : 85)

وَمَنْ يَّبْتَغِ غَيْرَ الْاِسْلَامِ دِيْنًا
فَلَنْ يُّقْبَلَ مِنْهُ وَهُوَ فِي الْاٰخِرَةِ
مِنَ الْخٰسِرِيْنَ ○ (آل عمران - ٨٥)

Islam, therefore, does not admit of any digression or deviation even of the slightest degree in its fundaments or principles. Any addition or subtraction, any increase or decrease, any excess or deficiency, any improvement or reduction in its skeleton would render it un-Islamic, deprive it of its character of the mean ratio, the least common multiple or the middle course as we called it. It may then be any pious or sacred thing but it will not be Islam—the justly balanced outlook on life in all its aspects. Because whenever we add anything to or subtract from a balance, it is gone. The Islamic system of life is certainly inflexible as all other known laws are in nature. No one has ever been able to get water out of 3 molecules of Hydrogen and one of Oxygen. The formula ever remains H_2O, no swerving, no deviation. Let me be more explicit. Divest Qur'ān

of its spiritual and ethical elements, whatever remains is either Socialism ; Communism or Materialism ; take away its commandments about 'Interest', 'Zakat,' 'Maisar'[1] and 'Inheritance', and its threats for piling up of hoards and killing of children for fear of want, it is then Capitalism in the modern sense. Clear it off its provisions of material and transitory life, all that remains are the Hymns of the Almighty and Metaphysics. Emphasise unduly its verses about arranging affairs by mutual consultation, it is then a brilliant code of Democracy. Lay undue stress upon its verses of 'Nature' and 'Natural phenomena,' it will then be an Excellent Book of Nature study. Wilful exaggeration and minimisation of the Qur'ānic Fundaments, or undue emphasis on its particular verses has made a mockery and mummery of Islam. The matter has reached such an extent that some think that joining only of certain processions and observing certain rituals is Islam, others press hard, nay, desisting from them ; some believe, Islam is all amulet giving and revolving rosaries, others say, No, it is a caricature of it ; some plead it is Democracy, others emphasise it is Socialism ; a group says it is all spiritualism, their opponents call it a mundane code. It has thus become the traditional elephant in the hands of seven blind persons who are touching different parts of its huge body and drawing their own self-willed conclusions.[2] It is for this that the Qur'ān, the High and the Exalted, warns us not to make

[1] For explanation kindly see p. 25.

[2] It reminds me of a saying of the Holy Prophet (ص) wherein he said, "My men (*Ummat*) will be divided into seventy-two sects, but among them all there is one only that will achieve salvation". (This certainly would be the one who will adhere to the Balance.)

it into parts or shreds ; if it is to be studied, it ought to be studied as one united whole. Says the Holy Qur'ān :

And say : I am indeed he
That warneth openly
And without ambiguity
(Of just such wrath)
As We sent down
On those who divided,—
(Scripture into arbitrary parts)
(So also on such)
As ....have made Qur'ān
Into shreds (as they please).
Therefore by thy Lord
We will of a surety
Call them to account,
For all their deeds.
Therefore expound openly
What thou art commanded
And turn away from those
Who join false gods with God.
For sufficient are We
Unto thee against those
Who scoff thee,———
Those who adopt with God
Another god ; but soon
Will they come to know.
We do indeed know
How thy heart is distressed.
(xv : 89-97).

وَقُلْ اِنِّیْٓ اَنَا النَّذِیْرُ الْمُبِیْنُ ○
كَمَآ اَنْزَلْنَا
عَلَى الْمُقْتَسِمِیْنَ ○
الَّذِیْنَ جَعَلُوا الْقُرْاٰنَ عِضِیْنَ ○
فَوَرَبِّكَ لَنَسْئَلَنَّهُمْ اَجْمَعِیْنَ ○
عَمَّا كَانُوْا یَعْمَلُوْنَ ○
فَاصْدَعْ بِمَا تُؤْمَرُ
وَاَعْرِضْ عَنِ الْمُشْرِكِیْنَ ○
اِنَّا كَفَیْنٰكَ
الْمُسْتَهْزِءِیْنَ ○
الَّذِیْنَ یَجْعَلُوْنَ مَعَ اللّٰهِ اِلٰهًا اٰخَرَ
فَسَوْفَ یَعْلَمُوْنَ ○
وَلَقَدْ نَعْلَمُ اَنَّكَ یَضِیْقُ صَدْرُكَ
بِمَا یَقُوْلُوْنَ ○ (الحجر۔ ۸۹ تا ۹۷)

The Apostle (ص) of God, in the above verses, is asserted to be an open warner—without ambiguity ! We are warned not to divide or make the Qur'ān into shreds, parts or fragments. It is all one unit—one united, inseparable and indivisible whole. If we do otherwise, it is akin to admitting the authority of other gods *vis a vis* the Great God : it is then scoffing, and it is

such an attitude that causes distress on the heart of the Apostle (ﷺ).

Proclaims Qur'ān as a principle :

Then is it only a part of the Book
That ye believe in,
And do you reject the rest ?
But what is the reward for those
Among you who behave like this
But disgrace in this life—
And on the Day of Judgment
They shall be consigned
To the most grievous penalty
For God is not unmindful
Of what ye do. (ii : 85)

أَفَتُؤْمِنُوْنَ بِبَعْضِ الْكِتٰبِ وَتَكْفُرُوْنَ
بِبَعْضٍ ۚ فَمَا جَزَآءُ مَنْ يَّفْعَلُ ذٰلِكَ مِنْكُمْ
إِلَّا خِزْيٌ فِي الْحَيٰوةِ الدُّنْيَا ۚ وَيَوْمَ الْقِيٰمَةِ
يُرَدُّوْنَ إِلٰٓى أَشَدِّ الْعَذَابِ ۗ
وَمَا اللّٰهُ بِغَافِلٍ عَمَّا تَعْمَلُوْنَ ○
(البقرة - ۸۵)

Every verse of the Holy Qur'ān though in itself a compendium of unfathomable wisdom and a universal truth, yet is a part of a system of life interwoven subtly and intricately. It is like a limb of a single living organism. The 'Ideology of Islam', even in its detail, does not admit of any change, amendment or modification. By intermingling it with thoughts from sources foreign to that of its own, we cannot maintain it integrity. Says the Holy Qur'ān :

Nor does He share His Command
With any person whatsoever.
(xviii : 26)

وَلَا يُشْرِكُ فِيْ حُكْمِهٖٓ أَحَدًا ○ (الكهف - ۲۶)

If any do transgress
The limits ordained by God
Such persons wrong
(Themselves as well as others)
(ii : 229)

وَمَنْ يَّتَعَدَّ حُدُوْدَ اللّٰهِ
فَأُولٰٓئِكَ هُمُ الظّٰلِمُوْنَ ○
(البقرة - ۲۲۹)

Announces the Holy Qur'ān as a principle :

If any do fail to judge
By the light of what God
Hath revealed, they are
(No better than) unbelievers.
(v : 47)

وَمَنْ لَّمْ يَحْكُمْ بِمَآ أَنْزَلَ اللّٰهُ
فَأُولٰٓئِكَ هُمُ الْكٰفِرُوْنَ ○ (المائدة - ۴۴)

And if any do fail to judge
By the light of what God
Hath revealed they are
(No better than) wrongdoers.
(v : 48)

وَمَنْ لَّمْ يَحْكُمْ بِمَآ اَنْزَلَ اللّٰهُ
فَاُولٰٓئِكَ هُمُ الظّٰلِمُوْنَ ○ (المائدة-٤٨)

If any do fail to judge
By the light of what God
Hath revealed, they are
No better than those who rebel.
(v : 50)

وَمَنْ لَّمْ يَحْكُمْ بِمَآ اَنْزَلَ اللّٰهُ
فَاُولٰٓئِكَ هُمُ الْفٰسِقُوْنَ ○ (المائدة-٥٠)

And explains the Holy
Qur'ān :

Say : shall I seek
For judge other than God ?
When He it is Who hath
sent unto you
The Book, Explained in Detail.
(vi : 114)

اَفَغَيْرَ اللّٰهِ اَبْتَغِيْ حَكَمًا
وَّهُوَ الَّذِيْٓ اَنْزَلَ اِلَيْكُمُ
الْكِتٰبَ مُفَصَّلًا ط (الانعام-١١٤)

The word of thy God
Doth find its fulfilment
In truth and in justice ;
None can Change His Words
For He is the One Who
Heareth and knoweth all.
(vi : 115)

وَتَمَّتْ كَلِمَتُ رَبِّكَ
صِدْقًا وَّعَدْلًا ط لَا مُبَدِّلَ لِكَلِمٰتِهٖ ج
وَهُوَ السَّمِيْعُ الْعَلِيْمُ ○
(الانعام-١١٥)

Wert thou to follow
The common run of those
On earth, they will lead
Thee away from the way
of God. They follow nothing
But conjecture. They
Do nothing but lie. (vi : 116)

وَاِنْ تُطِعْ اَكْثَرَ مَنْ فِي الْاَرْضِ
يُضِلُّوْكَ عَنْ سَبِيْلِ اللّٰهِ
اِنْ يَّتَّبِعُوْنَ اِلَّا الظَّنَّ
وَاِنْ هُمْ اِلَّا يَخْرُصُوْنَ ○
(الانعام-١١٦)

Those to whom We have
Given the Book rejoice
At what hath been revealed
Unto thee : but there are
Among the clans those who
reject
A part thereof. Say :
"I am commanded to worship
God, and not to join partners
With Him, unto Him
Do I call, and
Unto Him is my return."
(xiii : 36)

وَالَّذِيْنَ اٰتَيْنٰهُمُ الْكِتٰبَ يَفْرَحُوْنَ
بِمَآ اُنْزِلَ اِلَيْكَ وَمِنَ
الْاَحْزَابِ مَنْ يُّنْكِرُ بَعْضَهٗ ط
قُلْ اِنَّمَآ اُمِرْتُ
اَنْ اَعْبُدَ اللّٰهَ وَلَآ اُشْرِكَ بِهٖ ط
اِلَيْهِ اَدْعُوْا وَاِلَيْهِ مَاٰبِ ○ (الرعد-٣٦)

Islam's Attitude Towards Wealth and Resources

It is for this peculiar nature of Islam that whenever we study Islamic punishments, we have to study their correlative mandates. If for thieving Islam enjoins such effective and drastic punishments as that of the cutting of the hand, it is only after it has built up a wholesome social set-up dealing with wealth and resources in a way specifically its own. These punishments fitted in any other social framework would be synonymous with nothing but tyranny and oppression, whereas in a true Islamic society they are a boon and a blessing. Before resorting to punishments, Islam ensures that every member of the society gets his share in the material resources of life so that at least, his natural and basic requirements are amply met with. As envisaged by Islam, all that exists in the world, all the wealth and resources, are the things of common[1] enjoyment; they are not the privilege of the few. The Islamic society is essentially a classless society wherein life is preserved and given impetus to bloom to the fullest in all its phases. Islam does not restrict individual liberty so as to make a person a slave of the society,

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[1]Says the Holy Qur'ān :

To those "Weak of Understanding"	وَلَا تُؤْتُوا السُّفَهَاءَ
Make not over your property Which God has made	أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا
A means of support for you, But feed and clothe them	وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ
Therewith and speak to them Word of kindness and justice.	وَقُولُوا لَهُمْ قَوْلًا مَّعْرُوفًا ۝
(iv : 5)	(النساء۔ ۵)

The words "your property", as used above, is significant here. Ultimately all property belongs to the community. It is held in "Trust" by a particular individual. If he is incapable, he is put aside but gently and with kindness. (Commentary by Allama Abdullah Yusuf Ali).

nor does it allow him to behave in such a way so as to omit the social obligations. Wealth, according to Islam, is only a means to fulfil certain human needs ; it is not an end in itself ; it is a trust with mankind to be put in proper use, not to be hoarded and misused. Islam has dealt with wealth on both negatively and positively. On the negative side it lays stress :

And what is the life
of this world, but
Goods and chattels
Of deception ! (lvii : 20).

وَمَا الْحَيٰوةُ الدُّنْيَآ
إِلَّا مَتَاعُ الْغُرُوْرِ ○ (الحديد-٢٠)

In defining the life of this world ومالحيواة الدنيا says the Holy Qur'ān :

Know ye (all) that
The life of this world
Is but play and amusement :
Pomp and mutual boasting
And multiplying (in rivalry)
Among yourselves, riches
and children. (lvii : 20)

اِعْلَمُوْٓا اَنَّمَا الْحَيٰوةُ الدُّنْيَا
لَعِبٌ وَّلَهْوٌ
وَّزِيْنَةٌ وَّتَفَاخُرٌۢ بَيْنَكُمْ
وَتَكَاثُرٌ فِي الْاَمْوَالِ وَالْاَوْلَادِ
(الحديد-٢٠)

Life of this world !—but all this is a vanishing show, empty words, goods and chattels of deception that end with the life of a man. And wealth, as you know, is an ever-receding shadow, a harlot disloyal and unfaithful, sometimes in one lap and at another in the other ; but when it parts company, it leaves behind nothing but sorrow and dejection ! The rich pile up wealth simply to transmit it to the coming generations and breed but a race of the sluggards. Abstract riches have imparted nothing to the world. All culture, art and civilisation, or whatever is there in this world, is the fruit of the labour—both massive and little works. The rich contact the Inevitable in agony—leaving so

much ; the poor die peacefully losing nothing.[1] Is then this the life that we boast of and crave for ? How futile is it ! And death is the mighty leveller of all the rank and position !

After explaining the futility of the pomp and show of the worldly life, Islam then comes to condemn the piler up of the wealth who piles it up only for the sake of it :

Who pileth up wealth
And layeth it by
Thinking that his wealth
Would make him last
For ever !
By no means ! He will
Be sure to be thrown into
That (fire) whch breaks to pieces.
(civ : 2-4)

الَّذِىْ جَمَعَ مَالًا وَّعَدَّدَهٗ ○
يَحْسَبُ اَنَّ مَالَهٗۤ اَخْلَدَهٗ ○
كَلَّا لَيُنْۢبَذَنَّ فِى الْحُطَمَةِ ○
(الهمزة - ۲ تا ۴)

[1]I met a saint Syed Mohammad Arab who, comparing the rich and the poor very beautifully, explained the futility of this life. He said, "All that we require to keep up together our soul and body are the two morsels of bread. Perhaps you think the diet of the rich is more delicious than that of the poor; but it is not so. The factor of deliciousness is not the diet alone but the actual hunger. The poor who, after hard labour, feel acute pangs of hunger, enjoy their diet more than that of the rich whose diet, though the choicest, is only a routine, taken without real appetite, gives them no special taste but breeds in them generally the diseases of the chronic nature like diabetes, gastric trouble, piles or 'heartache'. There is no difference in castles and cottages. In spite of all amenities provided to the rich they complain of hot and cold along with the poor whose power of endurance has made them tough and who feel less. The poor enjoy sound sleep after hard work, but the rich in spite of soft beds mostly turn from side to side, and with the close of the eyes, all the differences of hard and soft bed are gone. Disease, illness or fever has never been merciful on the rich. The rich, seemingly privileged, enjoy rarities and unseasonal fruits which for their unripeness breed in nothing but illness; the poor on the contrary enjoy only when they are within their reach, that is to say, when they are in season, ripened, in abundance and delicious. The difference between the rich and the poor is merely that of thinking—all deception !"

The mutual rivalry
For piling up (the good things
Of this world) diverts you
(From the more serious things)
Until ye visit the graves.
But nay, ye soon shall
know (the reality)
Again, ye soon shall know
With certainty of mind,
You would beware !
Ye shall certainly see
Hell-fire ! (cii : 1-6)

اَلْهٰكُمُ
التَّكَاثُرُ ۝
حَتّٰى زُرْتُمُ الْمَقَابِرَ ۝
كَلَّا سَوْفَ تَعْلَمُوْنَ ۝
ثُمَّ كَلَّا سَوْفَ تَعْلَمُوْنَ ۝
كَلَّا لَوْ تَعْلَمُوْنَ عِلْمَ الْيَقِيْنِ ۝
لَتَرَوُنَّ الْجَحِيْمَ ۝ (التکاثر ۱-۶)

Compare from : said Jesus Christ[1]

With what difficulty will those who have riches
Enter God's Kingdom ! . . . .
It is easier for a camel to pass through a needle-eye
Than for a man to enter the Kingdom
Of God when he is rich (Mark, 10 : 23, 25)

But Islam does not favour renunciation, squandering and wasting of wealth, nor does it in anyway plead desistance from the enjoyment of the good things of this life.

[1]There is no difference between true Christianity and Islam. Says the Holy Qur'ān :

Say: "We believe
In God, and in what
Has been revealed to us
And what was revealed
To Abraham, Ismail,
Isaac, Jacob and the Tribes,
And in (the Books)
Given to Moses, Jesus
and the Prophets,
From their Lord :
We make no distinction
Between one and the other
Among them and to God do we
Bow our will (in Islam)."
(iii : 84)

قُلْ اٰمَنَّا بِاللّٰهِ وَمَا اُنْزِلَ عَلَيْنَا
وَمَا اُنْزِلَ عَلٰى اِبْرٰهِيْمَ وَاِسْمٰعِيْلَ
وَاِسْحٰقَ وَيَعْقُوْبَ وَالْاَسْبَاطِ
وَمَا اُوْتِيَ مُوْسٰى وَعِيْسٰى
وَالنَّبِيُّوْنَ مِنْ رَّبِّهِمْ لَا نُفَرِّقُ
بَيْنَ اَحَدٍ مِّنْهُمْ
وَنَحْنُ لَهٗ مُسْلِمُوْنَ ۝ (اٰل عمران ۸۳)

Says the Holy Qur'ān :

Say : "My Lord has commanded justice." (vii : 29)

قُلْ اَمَرَ رَبِّیْ بِالْقِسْطِ ۟ (الاعراف. ٢٩)

Islam is the only just balance in all the extremes. Says the Holy Qur'ān :

And render to the kindred
Their due rights, as (also)
To those in want,
And to the wayfarer :
But 'squander' not (your wealth)
In the manner of a spendthrift.
Verily spendthrifts are brothers of evil ones :
And the Evil One
Is to the Lord (Himself)
Ungrateful (xvii : 26-27).

وَاٰتِ ذَا الْقُرْبٰى حَقَّهٗ ،
وَالْمِسْكِيْنَ وَابْنَ السَّبِيْلِ
وَلَا تُبَذِّرْ تَبْذِيْرًا ۝
اِنَّ الْمُبَذِّرِيْنَ كَانُوْٓا اِخْوَانَ الشَّيٰطِيْنِ ۭ
وَكَانَ الشَّيْطٰنُ لِرَبِّهٖ كَفُوْرًا ۝
(بنی اسرائیل. ٢٦-٢٧)

And emphasises :

O children of Adam !
Wear your Beautiful Apparel
At every time and place
Of prayer : eat and drink :
But Waste not by excess
For God loveth not the Wasters
Say : who hath Forbidden
The Beautiful Gifts of God,
which he has Produced
For His servants,
And the Things Clean and Pure
(Which He has Provided)
For Sustenance ?
Say : They are, in the life
Of this world, for those
Who Believe, (and) purely
For them on the Day
Of Judgment. Thus do We
Explain the signs in detail
For those who understand.
(vii : 31-32)

يٰبَنِيْٓ اٰدَمَ خُذُوْا زِيْنَتَكُمْ عِنْدَ
كُلِّ مَسْجِدٍ وَّكُلُوْا وَاشْرَبُوْا وَلَا تُسْرِفُوْا
اِنَّهٗ لَا يُحِبُّ الْمُسْرِفِيْنَ ۝
قُلْ مَنْ حَرَّمَ زِيْنَةَ اللّٰهِ
الَّتِيْٓ اَخْرَجَ لِعِبَادِهٖ
وَالطَّيِّبٰتِ مِنَ الرِّزْقِ ۭ ،
قُلْ هِىَ لِلَّذِيْنَ اٰمَنُوْا فِي الْحَيٰوةِ
الدُّنْيَا
خَالِصَةً يَّوْمَ الْقِيٰمَةِ ۭ
كَذٰلِكَ نُفَصِّلُ الْاٰيٰتِ لِقَوْمٍ يَّعْلَمُوْنَ ۝
(الاعراف. ٣١-٣٢)

But declares the principle :

Make not thy hand tied
(Like a niggard's) to thy neck
Nor stretch it forth
To its utmost reach
So that thou become
Blameworthy and destitute.
(xvii : 29)

وَلَا تَجْعَلْ يَدَكَ مَغْلُولَةً إِلَىٰ عُنُقِكَ
وَلَا تَبْسُطْهَا كُلَّ الْبَسْطِ
فَتَقْعُدَ مَلُومًا مَّحْسُورًا ۝
(بنی اسرائیل ۲۹)

Along with it Islam condemns the other extreme, that is to say, the killing of children for fear of want. It is deadly against those who define that the sole purpose of the sex is the enjoyment of the lust and with that attitude of mind devise ways and means to resist or weaken the impulse of procreation. Lot's people, purely on economical grounds, invented a novel way to satisfy their sexual lust, that in the alternative also served as a factor to hinder fresh blood to share their lot, and the Holy Qur'ān announced :

"Do you commit lewdness
Such as no people
In creation (ever) committed
Before you ?
For you practise your lusts
On men in preference
To women : ye are indeed
A people transgressing
Beyond bounds[1] (vii : 80-81).

أَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُم بِهَا مِنْ
أَحَدٍ مِّنَ الْعَٰلَمِينَ ۝
إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِّن
دُونِ النِّسَاءِ ۚ
بَلْ أَنتُمْ قَوْمٌ مُّسْرِفُونَ ۝
(الاعراف ۸۰-۸۱)

[1]Sex is a very complicated tangle. As recommended by the Advisory Council, the matter will not end only with the appointment of Qazis to administer the Family Laws, until and unless all the undue restrictions in the formation of legitimate sexual relations as envisaged by the Holy Qur'ān are taken away. I fear in trying to practise family planning we may fall in the vices of adultery, fornication or open lewdness. The countries that put undue restrictions as such, substitute them with the institution of prostitution ; it is for this that illicit carnal relations, if with consent, are not a crime with them.

The Holy Qur'ān openly warns :

Kill not your children
For fear of want. We shall
Provide sustenance for them
As well as for you.
Verily the killing of them
Is a great sin.[1] (xvii : 31)

وَلَا تَقْتُلُوْٓا اَوْلَادَكُمْ خَشْيَةَ اِمْلَاقٍ ط
نَحْنُ نَرْزُقُهُمْ وَاِيَّاكُمْ ط
اِنَّ قَتْلَهُمْ كَانَ خِطْاً كَبِيْرًا ○
(بنی اسرائیل-۳۱)

Apart from other ethical grounds, as a source of accumulation of wealth upsetting the economical equilibrium of the society, Islam visits with threats and admonitions the hoarders, short weighers, dealers in fraud, the persons who eat up illegitimately the property of the orphans and the weak, the robbers and the depredators lying-in-the-way[2] etc. Islam says that no good can be derived from the *Maisar*,[3] that is to say, 'the easy means of acquiring money or the getting of profit without working for it'; and if one resorts to beggary as an easy means of acquiring money, it is certainly un-Islamic.[4]

With the above negative attitude of wealth, Islam takes up its positive side. It brings forth some very definite plans to freeze the surplus capital. It condemns

[1]Some people interpret that this verse was revealed because the Arabs killed their daughters to keep up their pride and the station in life. Don't they see the word اولاد refer not to daughters alone? It includes both male and female children. Moreover, the use of the words املاق and نرزقهم has many implications.

[2]All the nefarious activities for the accumulation of wealth can be classified under two heads : (*a*) Unfair means ; (*b*) Misuse of opportunity. Islam condemns both.

[3]*Maisar* includes gambling.

[4]Along with it Islam advances charity, so much so that we may call it a religion of charity. Charity in Islam is not beggary. I have left it deliberately to discuss it in full at some other occasion.

'interest'[1] on capital and declares the incessent war of Allah and His Apostle (ص) on anyone insisting upon it. Says the Holy Qur'ān :

Those who devour usury
Will not stand except
As stands one whom
The Evil One by his touch
Hath driven to madness
That is because they say :
Trade is like Usury
But God has Permitted Trade
And Forbidden Usury.
(ii : 275)

الَّذِيْنَ يَاْكُلُوْنَ الرِّبٰوا لَا يَقُوْمُوْنَ
اِلَّا كَمَا يَقُوْمُ الَّذِيْ يَتَخَبَّطُهُ الشَّيْطٰنُ
مِنَ الْمَسِّ ؕ ذٰلِكَ بِاَنَّهُمْ قَالُوْٓا اِنَّمَا الْبَيْعُ
مِثْلُ الرِّبٰوا ۘ وَاَحَلَّ اللّٰهُ الْبَيْعَ وَحَرَّمَ
الرِّبٰوا ط (البقرة - ٢٧٥)

And

If you do it not,
Take notice of war
From God and His Apostle.
(ii : 279)

فَاِنْ لَّمْ تَفْعَلُوْا فَاْذَنُوْا بِحَرْبٍ
مِّنَ اللّٰهِ وَرَسُوْلِهٖ ۚ (البقرة - ٢٧٩)

With the elimination of 'Interest' all the institutions causing the socio-economic inequilibrium in a

[1]"Interest" is all the more injurious in a society recognizing "the right of private property." It tends, as a usual course, to accumulate wealth in some select hands, rendering a good part of a social group to the point of beggary, thereby making the common man bereft of the benefits of all the wealth acquired by labour, or through trade, commerce and industry. Unemployment which befalls as a sort of necessary evil is one of the fruits of this specific labour of "interest". Vested interests, "created, produced and promoted" by interest, applying for their personal benefits the resources thus acquired, hamper trade and industry by monopolizing it. Psychologically, selfish instincts in them are fired up ; and ignoring and dishonouring the rights of others, they shrink to perform their own obligations. Ultimately hatred, especially class hatred, tyranny, oppression and corruption, hunger, separation and Revolution are the net results of this institution.

It may be objected as to how it is possible to work without banks where all the capital of a society is pooled up, and which cannot function without the institution of "interest". I beg to differ very respectfully. It is the basic conception here that is wrong. Banks, instead of offering or receiving interest, can collect and invest capital on different projects of trade,

society, namely, the banks, insurance companies, debentures, stocks, speculation, huge rents, voucher sales, dumping of commodities to raise the prices, black-marketing, profiteering, monopolies and even indirect taxation are gone. Islam moves a step further and pronounces :

In order that the wealth may not
(Merely) make a circuit
Between the wealthy among
you. (lix : 7)

كَيْ لَا يَكُوْنَ دُوْلَةً بَيْنَ الْاَغْنِيَاۗءِ مِنْكُمْ ۭ
(الحشر۔ ۷)

And to break up and distribute the concentrated capital, it devises and applies efficient and effective means. It promulgates a 'law of inheritance' that shatters to pieces the deceased's heritage. It puts restrictions on wills and bequests and recognises no rule like the 'rule of primogeniture'. It no doubt allows gifts but on grounds of charity ; and if it allows waqfs, it is for the generel good in the name of God. It prescribes a criterion : To the extent of your needs and requirements (and that is the main purpose of wealth), the capital is yours ; the rest must go to the community ;

They ask thee how much
They are to spend :
Say : "What is Beyond
Your Needs.
Thus doth God
Make clear to you
His Signs : in order that
Ye may consider
(Their bearing) on
This life and the Hereafter
(ii : 219-220)

وَيَسْــَٔـلُوْنَكَ مَاذَا يُنْفِقُوْنَ ڛ
قُلِ الْعَفْوَ ۭ كَذٰلِكَ يُبَيِّنُ اللّٰهُ لَكُمُ الْاٰيٰتِ
لَعَلَّكُمْ تَتَفَكَّرُوْنَ ۝
فِى الدُّنْيَا وَالْاٰخِرَةِ ۭ (البقرۃ۔ ۲۱۹۔۲۲۰)

commerce or industry ; the profits and losses whereof could be shared in between the banks and the customers. It will accelerate trade and industry etc., cure unemployment, create great brains to work great projects and help in the equal distribution of wealth among different members of society, ultimately doing away with many social evils.

In order to implement this policy, Islam promulgates Zakāt (lit. purification), an obligatory tax, leviable annually on wealth or profits beyond a prescribed limit. Says the Qur'ān:

But (even so), if they repent,
Establish regular prayers
and practise regular charity,
They are your brethren in faith.
(Thus) do We explain the Signs
In detail, for those who understand. (ix : 11)

فَاِنْ تَابُوْا وَاَقَامُوا الصَّلٰوةَ
وَاٰتَوُا الزَّكٰوةَ فَاِخْوَانُكُمْ فِي الدِّيْنِ ؕ
وَنُفَصِّلُ الْاٰيٰتِ لِقَوْمٍ يَّعْلَمُوْنَ ۝
(التوبة-١١)

The mosques of God
Shall be visited and maintained
By such as believe in God
And the Last Day, establish
Regular prayers and practise
Regular charity, and fear
None (at all) except God.
(ix : 18)

اِنَّمَا يَعْمُرُ مَسٰجِدَ اللّٰهِ
مَنْ اٰمَنَ بِاللّٰهِ وَالْيَوْمِ الْاٰخِرِ
وَاَقَامَ الصَّلٰوةَ وَاٰتَى الزَّكٰوةَ
وَلَمْ يَخْشَ اِلَّا اللّٰهَ (التوبة-١٨)

And establish regular prayers
And give regular charity ;
And loan to God
A Beautiful Loan
And whatever good
Ye send forth
For your souls,
Ye shall find it
In God's Presence,
Yea better and
Greater in Reward. (xxii : 20)

وَاَقِيْمُوا الصَّلٰوةَ وَاٰتُوا الزَّكٰوةَ
وَاَقْرِضُوا اللّٰهَ قَرْضًا حَسَنًا ؕ
وَمَا تُقَدِّمُوْا لِاَنْفُسِكُمْ مِّنْ خَيْرٍ
تَجِدُوْهُ عِنْدَ اللّٰهِ
هُوَ خَيْرًا وَّاَعْظَمَ اَجْرًا ؕ (المزمل-٢٠)

And they have been commanded
No more than this—
To worship God,
Offering Him sincere devotion
Being true (in faith) ;
To establish regular prayers
And to practise regular charity
And this is the religion
Right and Straight. (xcviii : 5)

وَمَا اُمِرُوْا اِلَّا
لِيَعْبُدُوا اللّٰهَ مُخْلِصِيْنَ لَهُ الدِّيْنَ ۙ
حُنَفَآءَ وَيُقِيْمُوا الصَّلٰوةَ
وَيُؤْتُوا الزَّكٰوةَ
وَذٰلِكَ دِيْنُ الْقَيِّمَةِ ۝ (البينة-٥)

These are verses Of the Wise Book, A Guide and a Mercy To the Doers of Good, Those who establish regular prayers And give regular charity And have (in their heart) The assurance of the Hereafter. (xxxi : 2-4)	تِلْكَ اٰيٰتُ الْكِتٰبِ الْحَكِيْمِ ○ هُدًى وَّرَحْمَةً لِّلْمُحْسِنِيْنَ ○ الَّذِيْنَ يُقِيْمُوْنَ الصَّلٰوةَ وَيُؤْتُوْنَ الزَّكٰوةَ وَهُمْ بِالْاٰخِرَةِ هُمْ يُوْقِنُوْنَ ○ (لقمان ۲۰ ۴)

As evident from the above, the payment of the Zakāt is a condition precedent to the fraternity in Islam and Faith in God. It is the worship of God ; it is a condition of bowing in congregation, i.e., of equality before God. It is the evidence of the fear of God. It is a beautiful 'loan' to God, promised with a better and greater 'reward'. It is the straight and right religion ; it is a part of the Book of Wisdom ; a Guide and Mercy to the doers of Good.

Zakāt is an antithesis of Interest. It is a security against all odds and events in the life of a nation.[1] As contrasted with Interest it serves to increase the national wealth by removing socio-economic inequality from the society. We can imagine a society where, on account of the concentration of the wealth of a community, only a few of its members are thriving, and where others, deprived of even the bare necessities of life, are lying prone and paralysed with death and disease or are causing perturbance and disturbance. Compare it with a society where every one of its members, free of all anxieties, works for its uplift and betterment adding

[1] We promise security by way of pension, gratuity, etc., only to a government servant whose interests are secure if the government is secure. But Zakāt is a security of each member of the society against all odds and events in the life of a nation.

day and night manifold to its wealth. Says Qur'ān the Glorious :

God will deprive
Usury of all blessing
But give increase
For deeds of charity :
For He loveth not
Creatures ungrateful
And wicked. (ii : 276)

يَمْحَقُ اللّٰهُ الرِّبٰوا
وَيُرْبِي الصَّدَقٰتِ ۗ
وَاللّٰهُ لَا يُحِبُّ
كُلَّ كَفَّارٍ اَثِيْمٍ ○ (البقرة ۲۷۶)

The parable of those
Who spend their substance
in the way of God is that
Of a grain of corn : It groweth
Seven ears ; and each ear
Hath a hundred grains,
God giveth manifold increase
To whom He pleaseth
And God careth for all
And He knoweth all things.
(ii : 261)

مَثَلُ الَّذِيْنَ يُنْفِقُوْنَ اَمْوَالَهُمْ
فِيْ سَبِيْلِ اللّٰهِ كَمَثَلِ حَبَّةٍ اَنْۢبَتَتْ سَبْعَ
سَنَابِلَ فِيْ كُلِّ سُنْۢبُلَةٍ
مِّائَةُ حَبَّةٍ ؕ وَاللّٰهُ يُضٰعِفُ لِمَنْ يَّشَآءُ ؕ
وَاللّٰهُ وَاسِعٌ عَلِيْمٌ ○ (البقرة ۲۶۱)

Zakāt is one of the pillars of Islam and whosoever tries to injure or demolish this pillar is forewarned in these words :

And there are those
Who bury gold and silver
And spend it not in the way
Of God ; Announce unto them
A most grievous penalty—
On the Day when heat
Will be produced out of
That (wealth) in the fire
Of Hell, and with it will be
Branded their foreheads,
Their flanks and their backs,
"This is the (treasure) which ye
Buried for yourselves : taste ye
Then the (treasure) ye buried."
(ix : 34-35)

وَالَّذِيْنَ يَكْنِزُوْنَ الذَّهَبَ وَالْفِضَّةَ وَلَا يُنْفِقُوْنَهَا
فِيْ سَبِيْلِ اللّٰهِ فَبَشِّرْهُمْ بِعَذَابٍ اَلِيْمٍ ○
يَّوْمَ يُحْمٰى عَلَيْهَا فِيْ نَارِ جَهَنَّمَ
فَتُكْوٰى بِهَا جِبَاهُهُمْ وَجُنُوْبُهُمْ وَ
ظُهُوْرُهُمْ ؕ
هٰذَا مَا كَنَزْتُمْ لِاَنْفُسِكُمْ
فَذُوْقُوْا مَا كُنْتُمْ تَكْنِزُوْنَ ○
(التوبة ۳۴-۳۵)

And let not those who covetously withhold Of the gifts which God Had given them of His Grace : Think that it is good for them : Nay, it will be the worse For them. Soon shall the things Which they covetously withheld Be tied to their necks Like a twisted collar, On the Day of Judgment. To God belongs the heritage Of the Heavens and the earth ; And God is well acquainted With all that ye do. (iii : 180)	وَلَا يَحْسَبَنَّ الَّذِيْنَ يَبْخَلُوْنَ بِمَآ اٰتٰىهُمُ اللّٰهُ مِنْ فَضْلِهٖ هُوَ خَيْرًا لَّهُمْ ؕ بَلْ هُوَ شَرٌّ لَّهُمْ ؕ سَيُطَوَّقُوْنَ مَا بَخِلُوْا بِهٖ يَوْمَ الْقِيٰمَةِ ؕ وَلِلّٰهِ مِيْرَاثُ السَّمٰوٰتِ وَالْاَرْضِ ؕ وَاللّٰهُ بِمَا تَعْمَلُوْنَ خَبِيْرٌ ۝ (اٰل عمران ۱۸۰)

Bare capitalism can visualise its final end in the above verses. History also provides numerous illustrations.

The Concept of State in Islam—the Functions of an Islamic State

Islam seeks to unite mankind on one ideology—the worship of God.[1] 'Worship of God' to it is the founda-

[1](*a*) Historically speaking, only those social groups have survived who are endowed with Unity, Harmony and Cohesiveness. Mostly in such cases, this unity was achieved on the basis of some particular ideology, embodied in a particular symbol of emotional and intellectual attachment, may be a stone, a statue, a figure, a form or a mummy (as that of Lenin) or a natural or supernatural being portrayed or existing in mind.

If we are thinking of the unity and harmony of mankind, that is to say "the people of different social set-ups and cultures," we find in God the Supreme the only Symbol of our ideological achievement. All orher symbols, instead of furthering the unity of mankind, point to its disintegration and separation as being formed of local, particular and different units.

(*b*) Islam deals life in all its offshoots. It has its own concepts of wealth, sex, mutual relations, etc. It is in fact a consolidation of ideals interwoven and well-knit in one, united, inseparable, indivisible and justly-balanced absolute whole. These

(*continued*

tion-stone of liberty, fraternity and equality of man. 'Worship of God' includes simultaneously 'regular and steadfast prayers and the payment of Zakāt'; this combined injunction is repeated for quite a number of times in the Holy Qur'ān. Islam seeks to collect people five times daily with the sole aim—"Worship of God". It feels spirited to find people collecting for congregational prayers on Fridays. It is its Eid when city people unite on the Islamic ideology for 'Worship of God' and pay Sadqah-e-Fitr (صدقہ فطر). This spirit of fraternity and equality in the "Worship of God" is further maintained by the people of the world, at the time of annual Hajj.

Islam postulates, "God is the only Creator, King and the Sovereign. His is the Dominion. His is the Glory, Authority and Majesty. He is the Lord of Power and Rule". Everything else is created and relative, and subject to his Absolute Laws: Says the Holy Qur'ān:

I have only created
Jinns and Men, that
They may serve Me. (li : 56)

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ
إِلَّا لِيَعْبُدُونِ ○ (الذّٰريٰت ۔ ۵۶)

Thus Islam rules out the notion that 'Religion is created for man, not man for religion'. Service to God is the aim of all the creation. Everyone is helpless and impotent before His Absolute Laws. Islam rejects all philosophical or non-philosophical social contract theories as ungodly, tyrannical, and the figments of

ideals directly flow from the Creator Himself and are symbolised in Him. To cherish, love and desire those ideals, to stand and live up for them, and to keep and maintain them in accordance with His Will and Plan, i.e. in the sanctioned and prescribed form and manner, is the worship of God.

human imagination imposing the authority and supremacy of man over man how high-sounding may be the phrase ; "the will and conscience of the community at large". Islam means "submission to God's will" and to no one else's. It is highly opposing and revolting to Him to see a man bowing before a man whether in individual or collective capacity. Islam, therefore, rests the whole of its social structure on one theory— الست بربکم قالو بلی شهدنا "Am I not your Lord, Creator, Provider, Cherisher and Sustainer ?" "Yes," they said, "we do testify".[1] The Islamic State, as such, emerges with God as the Head, and man as His vicegerent. The man-head of an Islamic State is merely an Amir or a Governor executing simply "the will and purpose of God as detailed in the Holy Qur'ān, with no prerogatives or privileges for himself. The Islamic law, therefore, is nothing else but the juridical deductions from the

Says the Holy Qur'ān :

When thy Lord drew forth
From the children of Adam—
From their loins—
Their descendants and made them
Testify concerning themselves
(saying)
"Am I not your Lord
(Who cherishes and sustains you")
They said, "yea" !
"We do testify". (This) lest
Ye should say on the Day
Of Judgment : "Of this we
Were never mindful".

وَإِذْ أَخَذَ رَبُّكَ مِنْ بَنِيْٓ اٰدَمَ
مِنْ ظُهُوْرِهِمْ ذُرِّيَّتَهُمْ
وَاَشْهَدَهُمْ عَلٰٓى اَنْفُسِهِمْ
اَلَسْتُ بِرَبِّكُمْ
قَالُوْا بَلٰى
شَهِدْنَا
اَنْ تَقُوْلُوْا يَوْمَ الْقِيٰمَةِ
اِنَّا كُنَّا عَنْ هٰذَا غٰفِلِيْنَ ۝

(continued

fundaments[1] of the Holy Qur'ān, the Criterion. Islam cares not as to what an executive or administrative type of a State it is. It is an Islamic State if it furthers the 'Islamic Ideology,' that is to say, 'the purpose and will of God as detailed in the Holy Qur'ān".

Apart from the defence (قتال) and the administration of justice (امر بالمعروف و نہی عن المنکر) the third and the most important function of an Islamic State is the collection and distribution of Zakāt. Says the Holy Qur'ān :

To those against whom
War is made, permission
is given (to fight), because
They are wronged—and verily
God is Most Powerful
For their aid,—
(They are) those who have
been expelled from their homes
In defiance of right ;—

أُذِنَ لِلَّذِينَ
يُقَاتَلُونَ بِأَنَّهُمْ ظُلِمُوا ؕ
وَإِنَّ اللّٰهَ عَلٰى نَصْرِهِمْ لَقَدِيرٌ ۙ
الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ
بِغَيْرِ حَقٍّ

Or lest you shall say :
"Our *fathers** before us
May have taken false gods,
But we were their descendants
After them : Wilt Thou then
Destroy us because of the deeds
Of men who were futile ?
(vii : 172-173)

أَوْ تَقُولُوا
إِنَّمَا أَشْرَكَ آبَاؤُنَا مِنْ قَبْلُ
وَكُنَّا ذُرِّيَّةً مِّنْ بَعْدِهِمْ ۚ
أَفَتُهْلِكُنَا بِمَا فَعَلَ الْمُبْطِلُونَ ۝
(الاعراف - ۱۷۲-۱۷۳)

*The word *fathers* used herein is very comprehensive ; it may include the so-called fathers of knowledge, namely, Aristotle, Plato, etc.

[1] Only the slogan, 'Rule of Law' would not help unless the lawsin themselves are just, impartial and disinterested. There is an English saying, "Law grinds the poor and rich men rule the Law". That shows the bias and injustice of the law-making agencies transferred in consequence in the laws themselves. God is certainly just and impartial as to His creatures, so is His Law. Hence the laws in Islam are the juridical deductions from the fundamentals of the Holy Qur'ān.

(For no cause) except
That they say, "Our Lord
Is God," Did not God
Check one set of people
By means of another,
There would surely have been
Pulled down monasteries, churches,
Synagogues, and Mosques, in which
The name of God is commemorated
In abundant measure. God will
Certainly aid those who
Aid His (cause) ; for verily
God is full of strength
Exalted in Might,
(Able to enforce His Will).
(They are) those who,
If we Establish them[1]
In the Land, Establish
Regular Prayer and give
Regular Charity ; Enjoin
The Right and Forbid Wrong.
With God rests the end
(And decision) of all affairs.
(xxii : 39-41)

إِلَّآ أَن يَقُولُوا رَبُّنَا
اللَّهُ ۗ وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ
بَعْضَهُم بِبَعْضٍ
لَّهُدِّمَتْ صَوَامِعُ
وَبِيَعٌ وَصَلَوَاتٌ وَمَسَاجِدُ
يُذْكَرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا ۗ
وَلَيَنصُرَنَّ اللَّهُ مَن يَنصُرُهُ ۗ
إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ ○
الَّذِينَ إِن مَّكَّنَّاهُمْ فِي الْأَرْضِ
أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ
وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنكَرِ ۗ
وَلِلَّهِ عَاقِبَةُ الْأُمُورِ ○ (الحج۔ ٣٩-٤١)

Zakāt, as such, is a State institution, collected and distributed through a paid executive wherefor the beneficiaries[2] have been pronounced, that is to say, not

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[1]It is apparent that an Islamic State comes into being with the sole purpose of the worship of God which includes this oft-repeated Mandate of the Lord, اقیمو الصلواۃ و اتوالز کواۃ. The third function of an Islamic State is, in fact, اقیموالصلواۃ but as it is not very relevant with my present subject, I have not brought out its implications in detail.

[2]In the beneficiaries, however, there exists an ample room for adjustment in the socio-economic condition prevailing at a time ; and Zakāt is such a tax, perhaps in the presence of which no other tax will be required. All surpuls wealth of the community must reach the public treasury at the most, in a period of forty years and there may not remain a single person (except the crippled) who might fall in the list of beneficiaries.

left to the sweet will of the society or the State. Says the Holy Qur'ān :

Alms (Sadaqat) are for the poor
And the needy ; and those
Employed to administer the funds
For those whose hearts
Have been (recently) reconciled
To truth, for those in bondage[1]
and in debt ; and in the cause
of God ; and for the wayfarer ;
Thus it is ordained by God
And God is full of Knowledge
and Wisdom. (ix : 60)

إِنَّمَا الصَّدَقٰتُ لِلْفُقَرَاءِ وَالْمَسٰكِيْنِ
وَالْعٰمِلِيْنَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوْبُهُمْ
وَفِي الرِّقَابِ وَالْغٰرِمِيْنَ
وَفِيْ سَبِيْلِ اللّٰهِ وَابْنِ السَّبِيْلِ ط
فَرِيْضَةً مِّنَ اللّٰهِ ط
وَاللّٰهُ عَلِيْمٌ حَكِيْمٌ ۝ (التوبة-٦٠)

And in the lifetime of the Holy Prophet (ص) this function of the State, that is to say, of the collection and distribution of Zakāt, was performed by the Holy Prophet (ص) himself. Says the Holy Qur'ān :

Of their goods take Alms
That so thou mightest
Purify and sanctify them :
And pray on their behalf.
Verily thy prayers are a source
Of security for them :
And God is one
Who heareth and knoweth.
(ix : 103)

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً
تُطَهِّرُهُمْ وَتُزَكِّيْهِمْ بِهَا وَصَلِّ عَلَيْهِمْ ط
إِنَّ صَلٰوتَكَ سَكَنٌ لَّهُمْ ط
وَاللّٰهُ سَمِيْعٌ عَلِيْمٌ ۝ (التوبة-١٠٣)

And after him this was carried on by his successors (though later on with some violations) till the invasion of Baghdad by the Tartars. After the death of the Holy Prophet (ص) some of the tribes, though they submitted to the jurisdiction of the Islamic State, refused to pay Zakāt

[1]Observes Allama Abdullah Yusuf Ali : "Those in bondage literally and figuratively. Those in bondage of ignorance and superstition or unfavourable environment should be helped to freedom to develop their own gifts."

but the first Caliph, even though he himself was in the most strained political circumstances, declared that he would wage war against anyone who refused to pay the right of the have-nots, that is to say the Zakāt even to the extent of the measure of a camel-rope or to the value of a kid. During the Caliphate of 'Umar (رض) the State, in addition to its above-mentioned functions, took the responsibility of providing maintenance to every new-born child till he attained majority or was employed in the service of the State. Zakāt was an issue in Ali's (كرم الله وجهه) struggle with his opponents.[1]

Punishment of the Cutting of Hand

Now with that definite outlook on life, with the above attitude on wealth and resources, and after laying a great responsibility on the society and the Sate to assure that every member of the society is provided with according to his needs and requirments, Islam comes to punish with certain juristic qualifications by cutting off the hand of the mischief-mongers and the malefactors of the society, the most ungrateful creatures who cause the economic inequilibrium in a society and disturb its peace and security on no other ground but that of envy, jealousy, avarice and greed! Says the

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[1]Herein enters the Islamic theory of 'Jihād'. The people used to capitalistic outlook certainly find it uncompromising to share their wealth with the have-nots. Now-a-days even in the capitalistic countries like England, the State assumes a duty to impose a national tax on rich men and on every earner beyond a prescribed limit, to help the helpless or the unemployed till he is provided with a job sufficient to meet his needs and requirements. This attitude of such countries has tended to save them from revolutions and has prolonged and protracted the life of their capitalism. It has also helped them to adjust their socio-economic equilibrium.

Holy Qur'ān :

Tumult and oppression
Are worse than slaughter.
(ii : 191)

وَالْفِتْنَةُ أَشَدُّ مِنَ الْقَتْلِ (البقرة ١٩١)

Nevertheless, our land, gained, though on the Islamic Ideology, has yet not accepted the Supremacy of God, at least in its economical phase. Here at the most, though not very accurate, reigns the "will and conscience of the community" in the modern democratic concept. Here capitalism is raging in its most heinous form. Here 'interest' is recognised and the 'Zakāt' is denied. We have in our laws no right to claim any relief whatsoever for the destitute, the weak, and the downtrodden. We do not promise a job to the jobless, nor do we guarantee to every one the equality of opportunity. We have not granted yet, to our people, the right of food, clothes, education and free medical aid. In such sort of affairs to punish the people by cutting off their hands will lead to nowhere but breed a race of the crippled and this even not for any sacred cause of Islam but to prop up capitalism ; whereas the capitalistic countries, well conscious of these implications, have never dared to bring in these punishments, in their legal build-up on the pure grounds of tyranny and oppression.

L' ENVOI

I have placed these hard and fast facts before the nation. We have no dearth of great men at least in our departments of Law and Islamiat. We have competent judges, jurists and lawyers in both the wings of Pakistan; we have great educationists, philosophers, journalists, writers, professors, public men and legislators; we have various other heads of social and cultural clubs, Anjumans, associations and sects.

Is this not a common subject for us all to understand and make others understand what Islamic ideology is? Does not the matter of crime and punishment concern every one of us?

We lawyers do daily work indefatigably on tiny legal propositions with so much earnestness and diligence. To explain or interpret a small provision of law, we have devised so many maxims and presumptions. Sometimes we construe a provision of law according to the plain meanings of the language; sometimes we test its vires from the fundamental provisions of the Constitutional Law; sometimes we shun a construction for any absurdity, hardship, inconvenience or injustice that it causes; sometimes we throw it away, it being unreasonable or anomalous with any other provisions of the statute; sometimes we say if such and such interpretation is not given, the purpose of the statute is defeated; sometimes we allege if the legislature has intended so, it would have said so. Sometimes we refer to logical and grammatical ambiguities. Many a time we do emphasise these are mandatory and those are directory provisions; or this being provision of a fiscal or penal statute, ought to be construed strictly. We

support our cases with far-fetched authorities and then in case of any conflict, we distinguish those authorities in hair-breadth split, with the case in our hand or do our best to trace out a common thread of arguments to support our view. Our judges, as we daily see, do take great pains to collect facts out of jumble and chaos, sort them out, disperse them, categorise them, arrange them in the line of arguments, weigh out authorities, draw out inferences, and interpret law in letter and spirit so as to administer abstract justice to the best of their ability. Our literalists, professors, and writers labour hard day and night doing their utmost to search out proper words that might convey their meanings to a nicety, that might express their inmost airy thoughts that have no referent in this world and for which they invent similes and metaphors or state them by allegories, fables, and parables. So is the case with our politicians, journalists, and other headmen of various sects, cultural clubs and associations. But for how long will this position of theirs—

Each party rejoices in that which is with itself. (xxiii : 53)

كُلُّ حِزْبٍۭ بِمَا لَدَيْهِمْ فَرِحُوْنَ ۝
(المومنون-۵۳)

continue ? There are things more serious in life that are to be attended to !

The present set-up of our ruling class consists of sincere and staunch Muslims. Their sincerity and loyalty both to the Nation and Islam is unquestioned. They do not believe in the exploitation of Islam as a means to achieve their political ends. They are the simple and the straightforward Muslims and they want to remain that ever to be so. During our last scuffle

with India they have shown that they are themselves valiant and have organised great valiant forces that won applause from all quarters—of the friend and the foe—by their courage and planning, union of wills and pooling up of strength and resources,—above all, by the help of God. But they (the persons at the helm of our affairs) have inherited this cursed heritage of capitalism from the previous regime. Now this duty of explaining to the people as to what 'Islamic Ideology' is, lies heavily upon you: O, ye men of learning and understanding! It is a matter of consideration above all the dirty party politics or sectarian point of view. The soul of the Holy Prophet (ص) calls you to duty in the most emphatic words:

قُلْ هٰذِهٖ سَبِيْلِيْٓ اَدْعُوْٓا اِلَى اللّٰهِ ۣ
عَلٰي بَصِيْرَةٍ
اَنَا وَمَنِ اتَّبَعَنِيْ ۭ وَسُبْحٰنَ اللّٰهِ وَمَآ اَنَا
مِنَ الْمُشْرِكِيْنَ ○ (يوسف۔۱۰۸)

Say thou: This is my way,
I do invite unto God,—
On evidence clear as
The seeing with one's eyes,—
I and whoever follows me.
Glory to God, and never
Will I join gods with God.
(xii: 108)

Says the Holy Qur'ān:

اِنِّىْ وَجَّهْتُ وَجْهِىَ لِلَّذِىْ
فَطَرَ السَّمٰوٰتِ وَالْاَرْضَ حَنِيْفًا
وَّمَآ اَنَا مِنَ الْمُشْرِكِيْنَ ○
(الانعام۔۷۹)

I have set
My face, firmly and truly,
Towards Him Who created
The Heavens and the earth
And never shall I give
Partners to God. (vi: 79)

باطل دوئی پسند ہے، حق لاشریک ہے
شرکت میانۂ حق و باطل نہ کر قبول

اقبال

گر تو می خواهی مسلمان زیستن ‏ ‏ نیست ممکن جز بقرآن زیستن

فاش گویم آنچه در دل مضمر است ‏ ‏ این کتابے نیست چیزے دیگر است

مثل حق پنهان و هم پیدا است او ‏ ‏ زنده و پاینده و گویا ست او

صد جهان تازه در آیاتِ او است ‏ ‏ عصرها پیچیده در آناتِ او است

چون بجان در رفت جان دیگر شود ‏ ‏ جان چو دیگر شد جهان دیگر شود

بندهٔ مومن ز آیات خدا است ‏ ‏ این جهان اندر بر او چون قبا است

چون کهن گردد جهانے در برش ‏ ‏ می دهد قرآن جهان دیگرش

یک جهانے عصر حاضر را بس است ‏ ‏ گیر اگر در سینه دل معنی رس است

اقبال

A NOTE ON THE COMMENTATORS AND THE COMMENTARIES

Islam in the widest sense, on its own assertions, belongs to all humanity. Right from the very inception of the universe till its end, it claims to be the "word" of God, the Ideology of all the prophets, the religion of man, bird and beast. No one, as such, can have the monopoly of it and the least I. I, therefore, found it expedient to put forth this small treatise as a feeler to find out how the learned respond to it and also to rectify myself where and when needed. It was an irksome job no doubt, yet working single-handed, I distributed about six or seven hundred copies of my thesis in and out of Pakistan to people of different thoughts, cultures, ideologies, creeds and cults including the press, the bars in East and West Pakistan, Heads of different sects and of Universities, lawyers, scholars, great Judges and persons of rank and high position.

I received hundreds of letters of promise but the actual response, I must confess, has been poor. In Lahore, I personally called upon certain personalities to get their views, but going from door to door with shifting over promises is certainly a tough experiment. I came out successful even in this ordeal of patience and fortitude. My visits, in essence, were business-like, brief, to the point and formal yet some of these personalities have left so great and lasting an impression of their personalities upon my mind that if I do not mention them, I would feel not to have even justified the pricks of my own conscience.

Lord Chief Justice of Pakistan, Mr. Justice A. R. Cornelius, H. Pk., is not only a great patriot, judge and jurist but also a man of letters in the real sense of the word and, above all, a man of God. In numerous delegations that he led in and out of Pakistan, he has vindicated, by his word and deed, the ideology of Pakistan so sincerely and selflessly that every Pakistani feels proud of him. His role in building up the judiciary in Pakistan will be remembered for ages. His

penmanship is proverbial. He has, in just a few sentences, recapitulated the gist of the whole treatise so vividly, intelligently and beautifully that it is not only charming but also enlightening. His lordship has given up in his comments to discuss 'interest and its implications' perhaps on the presumption that it is a species of the main genus *Maiser* or that it is a controversial proposition.

Mr. Justice S. A. Rahman, H. Pk., hardly needs an introduction. He is an ardent advocate of the "Islamic Ideology" and for the last many decades has been serving its cause devotedly and selflessly. We find in him a real successor of the Poet of the East and that of his philosophy. This spirit of his is apparent in his own writings, in his judgments, and in the institutions he is presiding. His recent judgment on Khula published in the February issue of P.L.D., 1967 will ever remain a landmark in the history of Islamic jurisprudence,* His lordship, on the very first visit of mine, drew up his comments (restricted comments as he himself called them) in no time in my very presence, so that they needed no re-reading or corrections. That shows the superb competency of the man and his mature judgment.

Mr. Justice B. Z. Kaikaus is one of the rare personalities that combined India and Pakistan has ever produced. One feels pleasure in his presence. His personality is so enchanting that the humble and the presumptuous ones, in money, art and talent, do equally visit him out of love and affection and he accommodates them equally even at the cost of his own ease and comfort. In short, he is all sacrifice for inmates and outmates. He bases always his opinion on knowledge and study. Hundreds of the verses of the Holy Quran are on the tip of his tongue. He is logical even amidst the insurmount-

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*A great judge has differed with me on this point. He emphasised that his lordship's ever-living judgment is that of Maulana Maudoodi's case, in which his lordship has enunciated remarkably principles of natural justice. There are so many illuminating pronouncements of his lordship but in my present discussion, I am concerned only with that as pertains to the Islamic Jurisprudence.

able contradictions, and puts the best construction to the ugliest utterance and conduct that he comes across. Whenever the question of humanity or that of moral institutions, and particularly that of Islam comes, he is so honest that he would rather vote against his own interests than swerve a bit from truth.

Mr. Justice Hamood-ur-Rehman is a great man of letters. He is a zealous and true Muslim, loyal to the State and a great patriot. He is a man of strong convictions and of unyielding spirit. He is very punctilious in the observance of the Islamic rituals and prayers. In the month of Ramazan I have seen his lordship busy in prayers and recitation of the Holy Quran constantly after court hours till the Taravih prayers (special late night prayers during the month of Ramazan). He loves the Holy Apostle (ص) very ardently and told me that he was, in fact, the mover of the holiday on Eid-e-Milad-un-Nabi. While acting as Vice-Chancellor of the Dacca University, it was he who changed the trends of 'Prabhat-Pheri observing students' from wild roaming to prayer and devotion, and it was on his active move that the consolidation of Islamic cultural institutes and academies was taken up by the Government. His lordship is very candid and large-hearted and told me that he has never dismissed a case unheard in the absence of a lawyer. He is the last hope of a losing counsel and would not deny him an opportunity even at the fall of the hammer to improve upon his almost demolished situation. Said the Holy Prophet (ص) اختلاف امتی رحمتی (the difference of opinion among my followers is Divine Grace to me). The true implications of this tradition may be observed in his lordship's comments and recomments.

I know Mr. Justice Mohammad Fazl-e-Ghani from my college days. He is a man who has been reared up in Muslim traditions. He is an ardent lover of Islam, the Holy Prophet (ص) and the Muslim saints ; and that his private library looms with books on Islamic literature. During his college days, he was a disciplined student, and during practising period a good humanitarian, and these merits of his are gathering a fresh

impetus despite his new laurels, rank and position. His lordship believes in practical deeds of charity. His main worry apart from his office duties always is how to ameliorate the lot of the orphans in the institutions he is supervising.

Prior to his present appointment, Mr. Justice Karam Ilahi Chauhan was a renowned lawyer, interested deeply in research work. He would leave no stone unturned in the preparation of even a minor or an ordinary case. At present, as I find him, he is a guide-post as well as a light-spot to the lawyers. No influence has ever overwhelmed him to win over his honesty and integrity. He is a lawyer out and out, pragmatic in his outlook on life. He is not a philosopher and does not believe in the vagaries of mind but one thing is certain that, he is an orthodox Muslim by blood. He has raised certain queries on my thesis, the replies whereof are appended along with the original comments. (p. 87)

I approached Mr. Justice Mohammad Munir, the former Chief Justice of Pakistan to get his comments. He very kindly got through my booklet and also the comments that I had received from various sources. He congratulated me thrice upon my work and treated me so nicely that I felt in his words, the warmth and cosyness of the filial love but he declined to give me anything in writing on the excuse that he did not think himself competent to speak with authority on such a controversial subject.

Of the great judges, I take up the comments of Mr. Justice Sardar Mohammad Iqbal Khan at the last, the copying stone of all the comments of the great Judges. Mr. Justice Sardar Mohammad Iqbal Khan, S. Pk., is a personality of no little renown. Every one of us is aware that in the recent elections, amidst the high conflicting passions that involved the highest personalities of the nation wherein the greatest of the minds would have baffled, he carried through as an Election Commission safely, soundly and miraculously. He proved to be an authority in whom the highest confidence and trust of the country can be reposed. I found him in the Law College

a peerless guide, during practice an ungrudging master and as a judge, a benevolent judge, very conscientious to his duties. He believes to show his liberality and generosity in the actual deeds of benevolence and not in the vanity of discourse. He has never turned a cold shoulder to his pupils, juniors, former friends and even to the strangers, and preserves his friendship, not by receiving but by conferring graces and obligations. He is excellently formed by his personal habits and qualifications, for all the various scenes of active life, acting with a most graceful demeanour and the most ready habit of despatch. For writing comments on my humble work, in spite of versatile duties and diversified engagements, this great judge has studied indefatigably and strenuously a lot of books on Islam and that is why his comments glisten over with original work and earnest labour. The year of famine (عام الرماده) referred to by his lordship in his comments has been alluded to in the preface of my original work and perhaps that has escaped the notice of his lordship.

Of the great judges, there remains a lot, but it is my ill-fate that I could not approach them, because when my file is gone to one judge, I rarely receive it back after weeks together and until and unless that is with me, I cannot approach the other one. And we cannot expect to get, voluntarily, the comments from this very busy community. I hope to do it more completely in the next edition.

There are a few words from Mr. S. Fida Hassan, Principal Secretary to the President. Mr. S. Fida Hassan is one of those leading personalities of the country whom we can boast of. Considering his responsibilities, rank and office and the voluntary nature of his response I take his remarks really to be a very great boon.

Of all the ministers, Central and Provincial, I received a few lines from the minister of B. D. and L. G., West Pakistan (Mr. Mohammad Yasin Khan Vattu) in appreciation of my work. I heartily thank this great man. Of others there are still promises, let us see when they are fulfilled.

Of the bars, I received comments only from District Bar Association, Dadu. The writer of those comments on behalf of the Bar is Mr. Saiyid Hussain Meerza. These comments pertain mainly to the domain of literary appreciation. They are very encouraging to me being a work of thorough labour and sound study. I am very grateful for the sincere efforts of the worthy writer of the comments, but I may point out that I have discussed the implications of this punishment *visa-a-vis* Islamic social system. The comments of the great men and my recomments forming a part of this booklet will now elaborate my point.

Of the great politicians (public men) the comments that I received are from Mian Mumtaz Mohammad Khan Daultana. Apart from his political career, it is a settled fact that he is a great literary figure and an omnivorous reader, and maintains a huge library of selected and rare books on all topics. He sent me his comments on the very next day after the receipt of my booklet. That shows the greatness of the man, his mature understanding, depth of his knowledge and literary background.

Of the great lawyers, I have no words to express my gratitude to Mr. Khalid M. Ishaque. His comments are a work of high labour and sincere thought. He tried to approach me but I could not, and so I stand before this great man with eyes downcast. With due apologies I am appending his comments with no annotations. It is too late, and I think a second edition should now be out.

Of my colleagues at the Lahore Bars, I have received many words of commendation and also that of criticism but all oral, except one in writing and that from Mr. Hakam Qureshi. He is an attractive figure, a bibliophile, but always jovial and convival among his friends. His comments are a fruit of his serious thought. For the sake of his information for the definition of 'logic', any dictionary definition, even that from Little Oxford Dictionary, would have satisfied him. Sciences are of two types, one regulative and the other normative.

Moreover, the word 'Science' is in vogue, now, to any study of whatever subject that is systematic, objective, unprejudiced and dispassioned; and that it is the 'Inductive Logic' that provides specifically the principles and modes to a scientific study.

Mr. Mohammad Sharif Chishti, Senior Superintendent (Legal) of Solicitors Department, as I found him during my short visits, is a man of deep thinking. He believes in the general welfare of mankind and whenever he talks of Islam, a strange light of love and regard is shone bright out of his eyes. His comments speak for themselves.

Of the philosophers Dr. Mohammad Rafiuddin Ahmad and Mr. Nasir Ahmad Nasir are great literary figures. They are inspired writers and authors on various subjects. Dr. Mohammad Rafiuddin Ahmad has been Head of and associated with various Islamic cultural institutes and academies at Lahore, Karachi and Rawalpindi, and Mr. Nasir Ahmad Nasir is Secretary of the Department of Urdu Encyclopaedia of Islam of the University of the Panjab, Lahore. Both are very genial and cordial and one feels pleasure to meet them. In spite of their multifarious engagements, they have taken great pains in sending me the result of their thorough study. I shall feel ever obliged to these virtuous men.

One Mr. Jalaluddin Butt from Krishan Pura, Rawalpindi sent for a copy of this booklet on payment, and sent voluntarily an appreciative note to me. As is apparent from his comments, he is a man of deep knowledge and thorough understanding. I do not feel it proper that the thought of this great man should be lost sight of. His sincere passion must form a permanent record with us.

Mr. Erick W. Bethmann is the Director of Research, American Friends of Middle East, Inc. Washington, D.C. As I could not locate the address of this great man, I did not send him a copy of this treatise. He has sent his comments *suo moto* and that is really an act of grace on his part.

Dr. Bathmann is a veritable scholar in the doctrines of Christianity, a great literary figure and master of the Arabic language. He is a great personality and I wish I could have met him. He has spent over a decade in Mission Service on research work in the Middle East. I had a cursory glance at least of his one book namely 'Bridge to Islam.' His approach to the subject is very sympathetic but I am sorry to add that in depicting Islam or its ideal he is not altogether a deviation or exception from the other orientalists. I may mention here for his information that it was more to the Ideology of Islam than Muslim prowess that contributed to the cause of the spread of Islam. I have referred a bit to this proposition in my answer to the queries of his lordship Mr. Justice Karam Elahi Chauhan. Some days ago in the chambers of a lawyer friend of mine, I came across a book 'Social Structure of Islam' by Mr. Reuben Levy. This latter book has a well-worded review printed on its back by the daily 'Dawn', Karachi. I got anxious and went on turning over its pages just to find out how the author had dealt with the subject. But my heart bled to discover that the treatment of the subject was not unprejudiced. Perhaps the learned reviewer of 'Dawn' had obliged a foreign author who was valorous enough to lift up his pen on the sociology of Islam. What depressed me most were his remarks that the Holy Quran presents the stories of the Holy Bible in a mutilated form and is full of contradictions. I must submit through the good offices of Dr. Bethmann to the venerable author that the Holy Quran does not reiterate the unnecessary details but, nevertheless, does not miss anything important to delineate the Ideology of God which is the aim of the Revelation and which had ever been overlooked by those who were absorbed in details, nor does it want to provide an instrument in the hands of crooked interpreters to draw out wishful conclusions with the help of unnecessary details. The Holy Quran is written in inspired, elevated, aphoristic, terse, vivid, oratorial and rhetorical language of balanced and unbalanced sentences. It

is written in a style that is definitely lucid, clear, animated, vigorous and vivacious though sometimes recondite and occult but ever cogent and conformable to reason. Its attitude is persuasive, harmonious and graceful with the sublimity of thought that it represents; and only a writer knows that these stories could never be presented 'par excellence', least in a "Book of Ideology", not only in Arabic but even in any other language. It is a white lie to call it a book of contradictions. The difficulty to arrive at a right conclusion, if so honestly, might has arisen to the orientalists for the fact, because so far the trend of Muslim scholars and jurists, following the streak of their predecessors, that is to say the people of the Book, in interpreting the doctrinal and ideological verses of the Holy Quran, has been analogical and not analytical. Once we grasp the ideology of the Revelation, there would be left little ambiguity or contradiction in interpreting any verse right from earlier revealed books up to Bible and Quran. And if we don't grasp it, every word of a revealed book will certainly be ambiguous and contradictory because in that case we are judging it by our own imperfect standards, ambiguous and contradictory, preconceived notions and fluctuating minds.

However, it gives me a real pleasure that Dr. Bethmann is a true Christian, and a true Christian in Islam forms one brotherhood with a Muslim, for ideologically Islam and Christianity are not two different concepts. Mr. Bethmann has raised certain objections on my thesis but they are purely an outcome of his personal thought. They are not based on any sacred text, nor of Jewish, Christian or Islamic or that of any other revealed religion. Man's reason how much mature it may be, is in essence limited and deficient. Even in the physical world a man's natural range of vision is very short, only a few yards, a minute fraction of the earth's circumference. His imagination may take flights ; but undisciplined and unbridled, or uncontrolled and unguided, it is merely a rambling of the mind. It is for this reason that I did devote a chapter in my booklet on the 'Impotence of human reason'.

In refuting a man's wisdom contra the 'Word of God' the Holy Bible has used severe remonstrances and I reproduce below only two of the mildest ones, 'Let not the wise man glory in his wisdom' and 'And my speech and my preaching was not with enticing words of man's wisdom, but in demonstration of Spirit and power'. For this reason we need to discuss the 'Ideology of Religion' from the text of a revealed book.

The very first verse of the Gospel of the St. John says, 'In the beginning was the Word, and the Word was with God and the Word was God. 'Word or Logos' as I understand means the 'basic concept'. By violating the basic concept, we change the 'Word of God or God Himself'. Rather in the terminology of the Holy Quran, we bring in, as such, His partners or associate-gods. God is one, His 'Word' or 'Basic concept' is one that permeates the whole universe, physical or spiritual from beginning till end.

All religious codes base up their structure on the primary concepts of sin and virtue. God is the source and spring of all virtue. He is Cherisher, Sustainer, Bestower, and Provider of all the worlds. He is not niggard, stingy, penurious, grasping, close-fisted, hard fisted, covetous, avaracious, grudging or sparing. He is the Master of inexhaustible stores —that never end in spite of His spending and spending illimitably. Why not the natural phenomena do testify to this truth? The Sun showers its beams, Moon its rays, clouds pour down their rain, the earth gives its produce and the sea its water and wealth etc., all ungrudgingly. This phenomenon manifests the attributes of God on the physical side and there is also a spiritual side. 'Satan', on the other hand, is depicted as the embodiment of sin. He is all claim, a vigorous claimant of authority and power who is fired up with passions of acquisitiveness, selfishness, greed, avarice, jealousy, envy and haughtiness. He is the most selfish figure basing his claim not on knowledge or talent but purely on self-conceit and self-aggrandisement.* His mode of action is fraud and deceit. He represents everything that stands against the

* It was, perhaps, therefore said in the Holy Bible, 'it is the humble

godly and virtuous phenomena of bestowing and providing, sustaining and cherishing all life animate or inanimate. These are the satanic passions that bring the nasty pricks in the sides of mankind, are causing disturbance in the calm living of the human beings, but for that the whole universe is adjusted very beautifully to be lived into.

From the beginning of the universe it is the satanic passion of acquisitiveness that has been the cause of all upheavals in the human society. Don't we see in nature that every bird and beast even an insect takes only what he requires or needs, but acquisitiveness in man has no end. He refuses even to his own kind the bare and naked conditions of life. Prophets of God who were representatives of God on earth, therefore preached and advocated self-sacrifice. They believed in bestowing, not acquiring. None of the apostles of God can be marked out to have built up huge mansions, possessed many squares of land or owned a means of production as his sole property ; or had ever based his economy on the institution of 'interest' *i.e.* to say the so-called capitalism. They pleaded rather charity, Zakat, distribution of surplus wealth at least on one surety that the Lord is Cherisher and Sustainer of the Worlds* and that His stores are inexhaustible. I find

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and lowly that will enter the Kingdom of God ; and in the Holy Quran ;

That Home of the Hereafter
We shall give to those
Who intend not high-handedness
Nor mischief on earth :
And the end is (best)
for the righteous. XXVIII-83

تِلْكَ الدَّارُ الْآخِرَةُ نَجْعَلُهَا لِلَّذِينَ لَا
يُرِيدُونَ عُلُوًّا فِي الْأَرْضِ وَلَا فَسَادًا ؕ
وَالْعَاقِبَةُ لِلْمُتَّقِينَ ○ القصص: ۸۳

* Says the Holy Quran :

There is no moving creature
On earth but its sustenance
Dependeth on God : He knoweth
The time and place of its
Definite abode and its
Temporary deposit:
All is in a clear Record XI-6.

وَمَا مِنْ دَآبَّةٍ فِي الْأَرْضِ إِلَّا عَلَى اللّٰهِ
رِزْقُهَا وَيَعْلَمُ مُسْتَقَرَّهَا وَمُسْتَوْدَعَهَا ؕ
كُلٌّ فِي كِتٰبٍ مُّبِينٍ ○ الهود - ٦

In spite of all conflicting interests and satanic passions, one is wonderstruck to find how the Lord God sustains life and caters to the needs of every humble creature. This topic requires a separate book to deal with and explain it.

mention of two king-prophets, David and Solomon, in the Holy Quran (also in Bible) and their greatest property narrated therein is that they did build up huge cauldrons, reservoirs, defensive weapons, administered justice and sung praises of Lord. Why specific mention of reservoirs—means of growth of food, then why cauldrons—a source of providing food to the masses.

Let me delineate the 'Basic concept' of religion from its positive assertions. It proclaims that all human beings are created of one single pair by One Universal Lord. It, as such, does up with one stroke all the differences of class and colour and grants thereby to every human being without exception the equal rights of enjoyment of the reserves and resources of this universe. It thus stands against everyone, who for power and possession, greed and avarice denies these rights to others, or puffed up with pride, claims for himself a special privilege of overlordship. Those who believe in it, it urges them by motivation and persuasion, to act on its ideology based on charity, generosity, liberality and self-sacrifice. It visits defaulters by sanctions. It encourages its followers who are running in apparent loss by actual deeds of charity with the hope in the future bliss and proclaims eternal damnation to the rejecters of truth. It prepares the believers for its ideology by enforcing discipline and training, in prayers and rituals. The pillar of its ideology is one Universal God and His inexorable laws bound by His unrelenting judgment, ruling without distinction the physical and spiritual worlds. Whenever any crookedness creeped in, in the social pattern idealised by religion, the leaders in religious thought, that is to say the prophets fought violently against it. Moses fought against the tyranny of Pharaoh and his court, Jesus Christ against the avarice and greed of his times, and Muhammad (ﷺ) against the aristocracy and idolatry *i.e.*, the false ideals of his age, and so every one of

the others. Punishment or religious sanctions are simply safeguarding measures to keep up the said pattern or ideology of God.

The ideology of God has been the same from the very inception of the universe. If Torah provides it a skeleton, the Holy Bible the spirit and the Quran the glorious, is the balanced, well-knit and beau-blend of the both. The Holy Quran being the last of the revealed books, has worked out necessary details to implement the ideology of God sketched out and enspirited in the earlier revelations. In Old Testament, for example, the tune of the thought is, one should not take usury or *increase* from his brother. Ex. 22; 25; Lev, 25; 36; Deut 23; 19: Nem 5; 7, 10. This concept is further developed and made applicable to the general mankind in Psalms 15; 5; prov 28; 8; Exek 18; 8; 13; 17; 22; 12. Jesus Christ elaborated the spirit of this concept saying, "And give to him that asketh thee and from him that borrows turn not thou away", "And forgive us as we forgive our debtors".* But as human nature is prone to carping obedience, knowingly affects ignorance to avoid an obligation, and cooks up excuses to continue a wishful wrong, Islam came to draw out in full detail at least the broad essentials of the Ideology of God, to close up for ever the doors to avoid its injunctions on a false excuse or twisted interpretation. Just as a passover, I give here a few examples for deliberation.

It is said in the Old Testament, "What is thy neighbour's do not covet." Ex-XX. Then said Jesus Christ in his famous sermon on the Mount, "Give us this day our daily bread and forgive us our debts, as we forgive our debtors." See 'bread' not for ten generations. ten years, or for a week even, but this day only (the rest obviously is to be spent in the name of Lord), "For tomorrow shall take thought for the things of itself" and "Lay not up for yourself treasures upon earth...."

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*Prayers in religion serve to inculcate the idealistic desires. They serve as seed-core to induce one to ponder and meditate in accordance with the desired perspective of the Universal will.

......but in Heaven.........." and compare it with the Holy Quran :

They ask thee how much
They are to spend
Say, "what is beyond
Your needs."
Thus doth God
Make clear to you
His signs : in order that
Ye may consider
(Their bearing) on
This life and the Hereafter
II-219-220.

وَيَسْئَلُوْنَكَ مَاذَا يُنْفِقُوْنَ ۵ قُلِ
الْعَفْوَ ط كَذٰلِكَ يُبَيِّنُ اللّٰهُ لَكُمُ
الْاٰيٰتِ لَعَلَّكُمْ تَتَفَكَّرُوْنَ ۵ فِى الدُّنْيَا
وَالْاٰخِرَةِ ط البقرة ۲۱۹ــ ۲۲۰

If the debtor is
In a difficulty,
Grant him time
Till it is easy
For him to repay.
But if you remit it
By way of charity,
That is best
If you only knew.
II-280

وَاِنْ كَانَ ذُوْعُسْرَةٍ فَنَظِرَةٌ اِلٰى
مَيْسَرَةٍ ط وَاَنْ تَصَدَّقُوْا فَهُوَ خَيْرٌ
لَّكُمْ اِنْ كُنْتُمْ تَعْلَمُوْنَ ۵

البقرة ۲۸۰

And loan to God
A beautiful loan
LXXIII—20

واقرضوا الله قرضاً حسنا

المزمل ۲۰

(Qarz-e-Hasna or a Beautiful loan is a loan advanced without *interest*, not followed by averments of help or favour).

Again in the Old Testament, it is said, "Thou shalt not steal*" Ex. XX. Then Jesus Christ infused the Holy Spirit in words, "If thy right arm offend thee cut it off** and if thy right eye offend thee pluck it off." (Math. XVIII 8, 9)

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*It is sometimes echoed that religion, at least by this injunction, comes to the rescue of capitalism. Not so, because religion, envisage first a particular social order, an order in which, "this day's bread" is the only rule. In this order if anyone steals away this day's bread, the culprit ought to be dealt with according to the command of the Holy Spirit.

**This is a high-souled ideal certainly. But if a believer does not obey this command, the society in Islam through a law-court, representing the real conscience of the individual, will implement this command.

This in the Holy Quran becomes ;
As to thief
Male or female
Cut off his or her hands :
A punishment by way of example, from God for their crimes
And God is exalted in Power
And Wise. V-41.

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوْا
اَيْدِيَهُمَا جَزَآءً بِمَا كَسَبَا نَكَالًا
مِّنَ اللّٰهِ وَاللّٰهُ عَزِيْزٌ حَكِيْمٌ
المائدة ـ ۴۱

This small treatise cannot tolerate further illustrations, otherwise it can fairly be brought home that the basic thought that permeates the whole range of revelation is one and the same, in whatever goblet, of what shape or form, it is placed or poured. Islam, Christianity or Judaism are not different or varied concepts fundamentally. Islam, so to say, in its technical sense, is the younger brother of Judaism and Christianity, but the orientalists, by undoing the Ideology of Islam, are playing only the role of a Cain and gaining nothing but vanquishing their own strength. Many centuries have passed in this misdirection, it is, now, high time to change.

It is an undeniable fact that man's existence on this planet is transitory ; the span of his life is measured and the sphere of his actions is limited. Nevertheless he is swayed by the evil suggestions of everlasting prosperity and of the power and authority that never decays.* In its innocent state, the life of man is that of pure bliss, happiness, equality and librality, leading on consequentially to the desired perspective. But led by these evil suggestions, man created distinctions and disparities of country, race, caste and colour. To enjoy a life of ease and plenty, he invented slaves of his own kind, chained and tasked them and exacted their blood to thrive on their earnings. Apart from other tortures, having power to enforce the wrong, he introduced by force of law, genocide to keep the subjugated classes under perpetual and ever-abiding subjection. Moses had to vie such

*The source of this version may be traced in the following verses of the

a situation. Slavery in its very spirit is revolting to all revealed religions. Islam stood for the abolition of this sinful institution and declared the expiation of sins in the release of slaves thereby creating a tendency to wipe it out gradually. The English abolished it. They ought to be proud for it because the Divine Purpose was fulfilled in them. But in its stead, they flourished capitalism *i.e.*, system of finance that recognises interest, which is nothing less than the renovated form of the same old slavery but misnamed. In some crooked way, a class of aristocrats has been created that continues this abhorrent and odious institution under the guise of colonies, estates, tenants, labourers, and menial servants etc.—a

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Holy Quran :—

When We said to the angels,
"Prostrate yourselves to Adam".
They prostrated themselves, but not
Iblis, he refused.

Then We said, "Oh Adam !
Verily, this is an enemy
To thee, and thy wife :

So let him not set you
Both out of the Garden,
So that thou are landed
In misery.

There is therein (enough provision)
For thee not to go hungry
Nor to go naked,

Nor to suffer from thirst
Nor from the sun's heat."
But Satan whispered evil

To him, he said, "O Adam
Shall I lead thee to
The tree of Eternity

And to a kingdom
That never decay?
In the result, they both
Ate of the tree, and so

Their nakedness appeared
To them : they began to sew together for their covering,

Leaves from garden
Thus did Adam disobey
His Lord, and allow himself
To be seduced.

XX-116 to 121.

وَاِذْ قُلْنَا لِلْمَلٰٓئِكَةِ اسْجُدُوْا لِاٰدَمَ
فَسَجَدُوْٓا اِلَّآ اِبْلِيْسَ ؕ اَبٰى ۝
فَقُلْنَا يٰٓاٰدَمُ اِنَّ هٰذَا عَدُوٌّ لَّكَ وَ
لِزَوْجِكَ فَلَا يُخْرِجَنَّكُمَا مِنَ الْجَنَّةِ
فَتَشْقٰى ۝ اِنَّ لَكَ اَلَّا تَجُوْعَ فِيْهَا
وَلَا تَعْرٰى ۝ وَاَنَّكَ لَا تَظْمَؤُا فِيْهَا
وَلَا تَضْحٰى ۝ فَوَسْوَسَ اِلَيْهِ الشَّيْطٰنُ
قَالَ يٰٓاٰدَمُ هَلْ اَدُلُّكَ عَلٰى شَجَرَةِ
الْخُلْدِ وَمُلْكٍ لَّا يَبْلٰى ۝
فَاَكَلَا مِنْهَا فَبَدَتْ لَهُمَا سَوْاٰتُهُمَا
وَطَفِقَا يَخْصِفٰنِ عَلَيْهِمَا مِنْ وَّرَقِ
الْجَنَّةِ ؗ
وَعَصٰٓى اٰدَمُ رَبَّهٗ فَغَوٰى ۝

سورة طٰهٰ ۱۱۶ تا ۱۲۱

collective slavery that labours hard for the benefits of the aristocracy. In times of Moses, Pharaoh took to actual killing of the new-born infants, here in the present society, by propaganda and false philosophies, the lower classes are made to genocide. This type of slavery is quite contrary to the Divine word and the religion has ever stood firmly against it. If it had been the policy of religion to let for ever continue the wealth of the wealthy, it would never have condemned "interest"[1] and "Quran, the symbol of capitalism" or have encouraged the deeds of charity and *Zakat* and announced final bliss to the charitable. Had it believed in stifling procreative urge, it would never have disapproved utterly the unnatural offence and despised the people of Lot.[2] Religion has always condemned killing for poverty. If it was

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1. Because the word usury occurs in the English Bible, every translator of the Holy Quran in the English language has kept up this tradition in his rendering of the word "Riba." Riba used in the Holy Quran otherwise is of vast significance and of wide import. Writes Abdullah Yousuf Ali in his commentary No. 3552, "Riba is an increase sought through illegal means such as usury, bribery, profiteering, fraudulent trading etc. All unlawful grasping of wealth at other people's expense is condemned. Economic selfishness and any other sharp practices, individual, national and international come under this ban. The principle is that any profit which we should seek, should be through our own exertions and at our own expense, not from exploiting other people, or at their expense, however we may wrap up the process in the specious phraseology of high finance or city jargon.....". It is, therefore, I have used the word "interest" for "Riba" in my explanations throughout, though it is even of very narrow import.

2. Alas for the English! Their sun is on the verge of decline. Its setting must be as rapid as its rising. The abolitionists of slavery have become the slaves of passions. Their fate is doomed. Contrary to the revealed Religion, they are lured by selfishness and capitalism. False propaganda of penury and hunger has led them in turn to legalise Homo-sexuality. Fie! This invincible nation has succumbed to a hydra-headed cancer of incurable nature. Don't they think that it is the men, men of healthy outlook on life, that are the strength, the machinery, the force, the power and the wealth of a nation? From the study of History, too, of biological History, we find no group or species ever destroyed by increase in number but assuredly destroyed were those who were limited and could not expand themselves.

not convinced of the fructification of labour, it would never have stood for the poor and the downtrodden. Let us see who of the standard-bearers of the Religion of God comes forward to relieve mankind from this deep-rooted and hard-ingrained slavery that is to say, 'Capitalism'.

There does not exist certainly and definitely such distinctions as of usury and commercial interest in the 'Divine word'. By simple collation of verses of the Holy Quran, without any addition and subtraction on my part, I have delineated the basic concept. Islam, speaking narrowly, for centuries together has been the ruling power in this world, but never was 'interest' once recognised by an Islamic state, may it had or had not been idealistic in the technical sense and never there had been any hinderance or obstacle in the smooth running of commerce or trade or in the implementation of a project, huge or small. It is under this spell that St. Aquinas and others advocated Christian Socialism in the Middle Ages. Moreover, there is no harm if society as a collective unit instead of individuals takes to build up huge projects of common interest and spend its funds on the welfare of all its members.

Banks, where acting as go-between the parties, can instead of interest, charge wages or compensation for their services. Any one sharing in profits should also be prepared to share in loss. 'Interest' is quite contrary to the notions of revealed religion and mankind could not rest until and unless it is done up for ever. If not, there might be many revolutions; and irreligious creeds like Communism and Anarchism might crop up and flourish to fight it out until the Word of God be fulfilled. Thus, if mankind does recognise religion as a guiding force, or professes any belief in the true God, His Universal laws and His prophets and apostles, it would have to base its economy on some different notion, decidedly different from that of capitalism.

Even on prudence, "Interest" is quite a hinderance to the development of one's own personality by the satiety that it

brings in its trail to the very urge of life and its manifestations. Silver and gold, in their very nature, are unproductive commodities subject to wear and tear. It is, as well, quite contrary to the nature of things that a permanent class of rich be created to continue their wealth for ever. It is also inconceivable rather derogatory to the concept and to the very Majesty of One Universal Lord, to maintain such a class. Capitalists are a class of parasites who thrive on the labours of others and serve also as an ultimate cause of creating a class of beggars who, too, are parasites but on a different foothold. If the "Interest" is done up, capitalism is gone and the labour rules. There might be no permanent rich or wealthy houses, but society as one united whole will ever prosper. There would be distribution of wealth as far as possible. Loss in such a case of any one member of the society will in fact be the gain of society as a whole who in turn will be bound to make up the loss of such a member. But by utmost industry and labour of each of its members,[1] on the other hand, the society must grow richer day and night.

Islam in its widest sense is the only balanced, endurable and living ideology. Those who proclaimed it are admittedly the best of humanity. They were so much enchanted and attracted by it that they found it pleasurable to lay their pure, selfless, unoffending, sacred and innocent lives for it on cross, on scaffold, in fire, on sword, in sea, on plain, and where not. Their long tale is unendable. These great lives had been the great revolutionists in thought and practice whose impact is being felt for ever. It is for their impact, and the hope in the future bliss inculcated by them, that humanity at large is living so far, or it would have vanished long ago. This "Ideal" was practically realised in the early years of Islam but, alas! later on, political depredators and hypocrites with the help of other crooks, succeeded in moulding this potentiality to their desired

1. But the average output of labour and industry of each member of such a society must be lesser than in the present system where a fraction only of total members is burdened to work for the whole.

end and the object of Revelation once accomplished fell again into oblivion.

A punishment can be called Islamic only if it is enforced in the sense and spirit of Islamic ideology. If not so, it is not an Islamic punishment. Wherever we traverse on whatever part or corner of the Globe, human nature is the same. It is the social pattern that moulds its people. The greatest rascals, debauchees, dacoits and libertines of pre-Islamic Arabia became the guide-post of virtue after they entered Islamdom. In case otherwise, the most stringent martial law would not have infused that spirit into them. It is wrong to conceive that this punishment is meant particularly for such and such place. Even if we may prescribe capital punishment, any people of whatever country engrossed in sin and crime, would not change, rather go on deeper in the mire until the ideological outlook of society is not changed.

Dr. Bethmann is a great man in the real sense of the word. He has provided me an opportunity to elaborate some aspects of my thesis. I am not so rich to dare see him in America. If he happens to come once again in Pakistan, I would like personally to pay homage to him. Anyhow with thanks once more I shift on to the comments of other great men.

Of the great journalists, I take up first that of Khwaja Mohammad Ashraf Darr. He is a writer and artist of unique ability. Whosoever of the great judges and the scholars read his comments, lauded his penmanship. He has summarised my thesis so matchlessly that even if I had endeavoured, I would not have touched that horizon. He is a veritable lover of Allama Dr. Mohammad Iqbal; *Quarterly Iqbal* and the "Institute of Islamic Culture" will ever remain proud of him.

Editor *Sidq-e-Jadid*, Lucknow, has taken great pains in going through my thesis. His comments are encouraging and I am really grateful to him. Mr. Shafqat Jilani of Zaman Park, Lahore intimated to me these comments through a letter.

Islamic Literature is a journal of no little renown. The scholarly review on my thesis by the learned commentator is

impressing and inspiring. If one approves of this punishment on different grounds, I am the least interested. I have discussed this punishment with reference only to the Islamic ideology.

Nigar-e-Pakistan is a journal of established integrity. I would certainly have missed these valuable comments, if Malik Aslam Hayat, Advocate, had not informed me of them. After Niaz Fatehpuri, Dr. Farman Fatehpuri is upholding this candle of knowledge and learning, and that very properly on its past traditions. Nations are kept alive by penmanship of dauntless and honest journalists and we are proud of it that we have some among us. As to Urdu translation of this booklet suggested by the learned commentator, if any one comes forward, I would gladly grant him the rights.

Tarjaman-ul-Quran is a well known journal on Islamic topics in Pakistan. Perhaps the learned commentator has drawn his conclusions haphazardly reading merely a page of my booklet. We may prescribe any punishment on grounds of expediency, I am the least concerned. I am interested only if anyone discusses it in the light of the ideology of Quran.

Of the "Dailies", I have received comments from only two, one from *Nawa-i-Waqt* and other from *Pakistan Times*. I would have lost sight of them both if Mirza Mohammad Sadiq, Managing Director, Ripon Printing Press Ltd., Lahore had not informed me of the one and his lordship Mr. Justice Sardar Mohammad Iqbal Khan of the second. Perhaps it is customary with our esteemed journalists and newspapers tha as a bare act of grace, they do not care even to send to the author a copy or cutting of their valuable comments. There might have been other comments but alas! they are not within my knowledge or notice.

The venerable commentators of both the above-mentioned Dailies have opposed me on the main presumption that perhaps I was opposing the enforcement of this punishment. Not so. I stand for it but simply plead its enforcement, if we wish to enforce it as an Islamic punishment, in the sense and spirit of the Holy Quran. As a measure of deterrent we can

prescribe the severest torture even hanging to death or killing by fire, but that could have no relevancy to my thesis. Islam is an ideology of the unity and uniqueness of God (دین توحید). No one can be allowed to shatter it into pieces and isolate its measures and sanctions from its positive part. Those who emphasise to adopt its penal provisions professing them to be Islamic and do away with its prerequisite substantive part, are surely mistaken and digressing in mind, have a canker in their heart, should search for it. The virtuous king of Saudi Arabia, if he had adopted it as an Islamic punishment, must have taken into account the mandates antecedent to its enforcement. This punishment had been a rule in the pre-Islamic Arabia, but it was not enforced then as an Islamic punishment, nor the Holy Prophet ever acted upon it until the Revelation was complete and this punishment was made a part of the Book. But why is it that we fear the enforcement of the substantive part of Islamic Ideology ? Said true the poet of the East:

قومے بمیرد از بے یقینی

A nation dies because of unfaith.

For detailed discussion on the comments of *Pakistan Times* kindly see along with the original comments.

During my efforts to get comments on my treatise, I met a class of the learned, so to say, who were harsh and sarcastic and passing acrid remarks on a presumption that I do not belong to their sect. They did not care to peep into the outlook on life that I have presented but snapped at me without verification. I confess, they are orthodox Muslims, true at heart, but they are so much used to their coloured spectacles that even if the Hero of the Prophets (ص) comes once more on earth, they might reject him for their preconceived notions. Alas:

زاھد تنگ نظر نے مجھے کافر جانا
اور کافر یہ سمجھتا ہے مسلمان ہوں میں

"The short-sighted and indiscreet ascetic took me as a pagan,

And the pagan understands fully that I am a (true) Muslim.

I came across a group of the grandees whose main complaint was that my treatise did not contain the verse of the Holy Quran enjoining this punishment. This book has been written on a conclusive presumption of it. Anyhow this verse stands now reproduced in the various discussions undertaken above.

A lawyer of knowledge was recommended by so many of my colleagues at bar, urging me to get his comments. I approached him very anxiously. Said he to me, "Mr. Ghazi, we can avoid safely the injunctions of the Holy Quran as to "interest" by a Hila (legal device or stratagem) and that is an approved practice of the various jurists. We can legalise 'interest' with the appellation of 'profit'. "But", said I, "if the borrower runs in loss or the enterprise fails"? "Then call it a loan" said he to me abruptly. I could not reconcile myself to his learned thought, least that to the Ideology of Islam but recited some verses of the Poet of the East and took my way:

مرا با صوفی و ملا سلامے که پیغام خدا گفتند ما را
ولے تاویل شان در حیرت انداخت خدا و جبریل و مصطفیٰ را

I say good-bye to Sufi and Mulla who proclaimed the message of God to us.

But their interpretation of the Holy Book put in perplexity God, Gabriel, and even the chosen one (Muhammad)

از شگریفیهائے آں قرآں فروش

دیده ام روح الامین را در خروش

From horrifying interpretations and uncalled for expositions of that seller of the Holy Quran,

I have seen the soul of the most Trustworthy (Gabriel) complaining and wailing

خود بدلتے نہیں قرآں کو بدل دیتے ہیں
ہوئے ہیں کس قدر فقیہان حرم بے توفیق

They change not themselves (nor their ideas) but change the Holy Quran (by their false interpretations).

How helpless (and devoid of Divine Grace) have become the Jurists of the Harem (Mecca)!

Said a friend of mine taking me in close confidence, "you, an innocent soul, you are taken in; Religion is a pious fraud ever perpetrated upon humanity. Why a modern state or society should take to worry for the have-nots? Let them die their natural death. He only has the right to survive who stands the test and trial of this life". "You are surely mistaken", I responded; "life of the individual is not separate from that of the community and that of community, from that of the individual. Some common grounds of action with that of a belief behind are required to coordinate our mutual doings and dealings. That Universal reality is provided by the Religion. To provide an answer to the second part of your query I must say emphatically, even on the ground of pure reason, that every right has a corresponding duty. If a state or society assumes a right to exact taxes from the haves, why not then it take the corresponding obligation to pay to the have-nots. This aspect of the proposition is taken now very seriously on the grounds of evolutionary phenomenon named as the process of error and trial by some of the states calling them to be the 'welfare states'. Said he to me, "why then not a single state in the present Muslim world act upon this injunction?" "Muslims, in the early days of Islam when they had been acting in accordance with this wholesome principle, were far more advanced and civilized than the contemporary states, and ignoring it now, have fallen in the abyss of chaos, ignorance and infamy; others by sheer process of evolution have reached the goal." I answered:

عشق کو فریاد لازم تھی سو وہ بھی ہو چکی
اب ذرا دل تھام کے فریاد کی تاثیر دیکھ

It was vital and necessary for love to raise a complaint, it has done so.

Be a little patient, and see the effects.

COMMENTS

SUPREME COURT OF PAKISTAN
Lahore
8th October, 1966.

Dear Mr. M. Iqbal Ghazi,

I thank you for kindly sending me your pamphlet entitled "Cutting of Hand and Islamic Ideology". As I understand your argument, it is that in an Islamic State, giving equality of opportunity to all citizens to earn a sufficient livelihood, supported by provision of support through the system of *zakat* for those who nevertheless, for genuine reasons, remain in need; the taking of goods from another by way of theft is a mere depredation, and the imposition of the severe punishment of loss of a hand is justifiable (*a*) to maintain the integrity of the system of property enjoined by Islam (*b*) to punish an act of pure wickedness and (*c*) to suppress, by deterrent, all tendency towards such wickedness. Enrichment which is not earned, is condemned, as *maisar*, and where it is accompanied by a criminal act against property, and indeed the economic system, a severe punishment is justifiable.

You have expounded the principle of *wahdat* in the context of criminal punishment with felicity and understanding. It is a doctrine which I accept as superior to the prevailing secularism, founded as it is on fragmentation of obligation. I believe the purpose of the Creator when He made man was the establishment of a single moral order on earth, to be operated by human beings for the control of the whole of His earthly creation according to His Holy Will. I believe too that the Will of the Almighty is set out with sufficient clearness in the Holy Scriptures based on direct revelation, and may be ascertained, following recognised principles, from the Word of God, by men who have received the gifts of devotion and understanding. Although my acquaintance with the Scriptures of Islam is slight, I am prepared to acknowledge that the basic principles for the guidance of the economic affairs of mankind can be construed out of the many verses of guidance and admonition contained in the Holy Quran.

You have probably sought my opinion on the subject of punishment of crime because of the suggestion I made last year in Australia that the disablement of hardened criminals of certain types would be a greater deterrent than imprisonment, as generally practised today, can ever be. I should explain that, although I referred in that talk to certain classes of criminals with whom we are all familiar in Pakistan, I had also in mind that in the developed countries of the West, crime, particularly against property, is being practised in an organised and sophisticated manner that is adapted with great skill to the techniques by which property is created and preserved by the State and the well-to-do members of society. Organised criminals have capital resources, expert personnel, legal advice at the same level as those persons and organisations on whom they prey. This type of crime has become, in fact, a limb of society, but a diseased artificial limb which preys on the remaining natural limbs, to the great damage of society. Such a limb should be cut off, by such drastic methods as may be necessary. To use the deterrent of disablement so that men should shun such activities and resist all temptation to join in them, and thus bring them to a halt, is in line with the pronouncement of Jesus Christ who said: "If thy right arm offend thee, cut it off; if thy right eye offend thee, pluck it out". By "offend thee", I understand "be an offence to the rest of thy wholesome being", and when total deprivation of even a natural limb, which has become a source of offence, is enjoined, it cannot be denied that drastic steps to get rid of an offensive limb of society, such as organised crime, are within the injunction.

Once again, thank you for your pamphlet.

Yours sincerely,
(A. R. Cornelius)

Mr. Muhammad Iqbal Ghazi,
Advocate,
B-162, Patrangan Street,
I/S Bhati Gate, Lahore.

Mr. Justice S. A. Rehman, H. Pk., (SEAL) Pakistan Supreme Court, 65 Gulberg, Lahore. 20-10-66

Dear Mr. Mohammad Iqbal Ghazi,

I have read with interest and profit your booklet on the question of punishment for theft under Islamic Law. The central idea of your thesis that the punishment prescribed by the Quran for *sarqa* would only be justifiably imposed if the other concomitants of an Islamic Society are in existence is very attractive and strikes me as marking out a sound progressive approach to the question raised. If Islam is to survive as an ideology and a way of life, as we believe it would, it should be possible only if our scholars and savants reassess our intellectual heritage in the light of the Quran and historical criticism, so as to appeal to the modern mind. Your effort in that direction, therefore, appears to me to be commendable and will, I hope, inspire similar other efforts at a fresh understanding of the Islamic injunctions in the legal field.

With regards,

Yours sincerely,
(S. A. Rahman),

Mohammad Iqbal Ghazi, Esq.
Advocate, Lahore.

Today in Pakistan we are confronted with a number of problems relating to religious concepts. Whoever tries to grapple with those problems and gives to the country the result of his labours renders a service to the country. We are all indebted to Mr. Muhammad Iqbal Ghazi for having, in his "Cutting of the Hand" drawn attention to an aspect of the matter which requires serious consideration, namely, that punishments provided by the Shariat are part of a system and should not be applied independently of that system. In fact the principle involved may be invoked not only in respect of laws providing for punishments but in respect of all laws creating rights and liabilities.

The book deserves commendation even otherwise for it draws attention also to the foundations of the Islamic system. I have read it with advantage and I believe others can do the same.

B. Z. Kaikaus
12-11-66.

Mr. Justice
Hamood-ur-Rahman

(SEAL)
Pakistan
Supreme Court.
Camp Dacca, Nov. 13, 1966.

Dear Mr. Ghazi,

I have read your treatise on the "Cutting of Hand and Islamic Ideology" with great interest. Your careful and lucid exposition of the relevant principles of Islamic outlook on life have helped me to dispel some of my own confusions regarding this form of punishment for theft.

I am inclined to agree with you that before this extreme punishment can be imposed, conditions must be established under which the chances for the commission of such a crime out of necessity or dire want are reduced to the minimum, as far as possible.

Islam, as you have rightly pointed out, is opposed to tyranny and oppression in any form and it would be wrong to pick out a method of punishment of a social evil which is wholly unrelated to the social conditions which it was designed to meet. But I am not clear if your thesis can be pushed to the extent that unless a perfect system of Islamic social justice is established no attempt should even be made to enforce a principle as an isolated measure. If even under the present conditions it is found that a person habitually commits theft out of pure greed and avarice, although he is not in want of any of the basic necessities of life and suffers from no disease affecting his mental capacities, would you still maintain that this form of punishment would not be justified as an extreme penalty?

I also find it difficult to subscribe to the view that as a general proposition no piecemeal measure of reform can be undertaken unless and until the complete Islamic way of life is first introduced in the country. If this is insisted upon, no reform may at all be possible. A beginning has to be made at some point of time so that one reform may lead to another and thus complete the chain.

We must also have some trust in the sagacity of those who are or will be entrusted with the administration of justice in this country. Will it be unreasonable to expect that they will be not wholly ignorant of the principles of Islam or wholly unaware of the social conditions prevailing and will be equal to the task of making the punishment fit the crime in the light of their knowledge?

I for my part feel confident that they will not fail to temper justice with mercy.

Yours sincerely,
(Hamood-ur-Rahman)

Muhammad Iqbal Ghazi, Esquire,
Advocate,
B-162, Patrangan Street,
Inside Bhati Gate,
Lahore (West Pakistan).

B-162, Patrangan Street,
Inside Bhati Gate,
Lahore.
dated the 20-11-1966.

Mr. Justice Hamood-ur-Rehman,
Judge, Supreme Court of Pakistan,
Camp Dacca.

Sir,

Assalam alaikum. I, the humble servant of yours, find an occasion to thank heartily your lordship, for sending me comments on the study, 'Cutting of Hand and Islamic Ideology'. I respectfully and gratefully acknowledge the receipt thereof. I received them on the 16th instant.

I express my gratitude to all the judges of our high most judiciary. They are men of letters in the real sense of the word, highly indulgent, affable, urbane and responsive. They are pillars of light in the vast wilderness, men of acumen and foresight, most noble, graceful and charitable, and I can say, now with all confidence that they, with their unfathomable knowledge and wisdom, are the true leaders of humanity. In spite of their heavy public duties and greatness of their task, they are alive to the current legal problems of their country. I have only one chance to see personally some of them in connection with, to get comments on my treatise, but that has left lasting impressions upon my mind, presently I would mention some of them.

I felt in the Lord Chief Justice, Christ the man talking to me, and wondered to find in him the point where Islam and Christianity coalesce like twin brothers. His Lordship had already sent his comments, and I required only his permission to publish them which he granted me very kindly saying, 'Mr. Ghazi, the title Cutting of Hand' is not quite apt to your study. 'Cutting of Hand' is a very limited topic but what you have discussed is very comprehensive. There should be some appropriate name for it. "Well, sir", said I, "I cover it in the word Islamic Ideology; your Lordship may suggest one, and I will adopt the same". "You should think over it and I will think as well" was the courteous reply. (About the title the same objection had already been raised by Mr. Justice Sardar Mohammad Iqbal Khan, the most illustrious judge of the Lahore High Court, and mine was the same answer), "Mr. Ghazi", said again the Lord Chief Justice, "the Holy Quran is not a book of punishments. In the injunctions of the Holy Quran, there are included in them only two punishments, one that you have discussed and the other that is prescribed for adultery or fornication; but the other one requires four eye-witnesses for the Hadd (حد) to be imposed. In reality it is the single one only discussed by you that matters". It was a short while meeting in the court room; soon after I left, in a mood of gratitude, thinking how great

was the man; how profound was his knowledge'. Our Ulema might perhaps have never contemplated as to why it was that these two punishments only formed the part of the context of the Holy Quran. I was much surprised because the man has written in his comments that he had very slight knowledge of the Islamic scriptures. I now understand what practical implication it has got, when the Holy Quran says that religion (or the Ideology) before God is one and all the prophets form one brotherhood.

I felt in Mr. Justice S. A. Rehman, the force, the passion and the thought of late Dr. Sir Mohammad Iqbal. He was sweet and polite. He cheerfully dropped some lines saying, "These are nothing to that what I want to say".

I experienced in Mr. Justice B. Z. Kaikaus, our eldest judge, spending his days of retirement, a snugness of acute filial love, a personality calm, serene, tolerant, perseverant, complaisant, gracious, accommodating and condescending. He was never perturbed, patiently explaining propositions, thinking and brooding. His politeness, kind indulgence, good nature and saintly attitude with which he treated me during the four or five meetings that I had with him, made me rather bold and audacious. He discussed with me certain very vital propositions; I would quote only one as an example. He said, "During the discharge of my judicial duties, I was at a loss to make out whether in certain circumstances 'Law of inheritance in Islam' was not based on unjust principles. Whenever I contemplated about God, He was not unjust; and of the hero of Prophets (ﷺ) it was absolutely absurd to have for him any notion like that; his Satan ever remained yielded to him. Then why is it that a widow (even in old age) gets an eighth fraction of the heritage of the deceased and if there are more than one the fraction increases to a negligible extent while sons and daughters or other sharers get more. Custom on the other hand and also other legal systems, protect the widow by granting her limited interest in the whole property so long as she is alive. But, now, when I have read your treatise

including the chapter on 'The Nature of the Religion of Islam', I am convinced that Islamic economic system is one united whole, which is protected and compensated through the system of Zakat". Pure in heart, sublime in mind, catholic in thought as I found him, I will never forget the man, not once in life.

I met your Lordship a day before you were leaving for Dacca. It was the shortest of all the meetings I have had with any of our judges, yet I was struck with your nobility, suavity, tolerance and excellence. Your Lordship had not yet seen my treatise, nevertheless your Lordship expressed some doubts. It was decided that firstly your Lordship my go through the thesis and then we would have a discourse on possible objections. But after that, your Lordship proceeded to Dacca and we had no opportunity to see each other, so the matter remained in the melting pot.

I have to admit candidly that, while I was writing this small treatise, I had been awfully terse, brief and sketchy, In my mind I was addressing a very busy learned community, that is to say of the Doctors, Lawyers, Professors and Judges, and as such, most of the vital explanations I left to their rich imagination. I had one and one thing only in view, that my reader should be able to finish this treatise in a single sitting of one or one and a half an hour. Naturally there remained certain vital lacunae that have hitherto hindered to take the thought to its desired perspective. The objections that your Lordship have raised are very pertinent and important. In fact they were also discussed by our most learned fatherly-natured ex-Judge Mr. B. Z. Kaikaus but in that case I had the occasion to explain them personally and in your Lordship's case it is a distance of 1100 miles in between. I, therefore, presently avail this opportunity of explaining them in black and white.

The first objection raised by your Lordship reads as follows:

> "But I am not clear if your thesis can be pushed to the extent that unless a perfect system of Islamic social

justice is established no attempt should even be made to enforce a principle as an isolated measure. If even under the present conditions it is found that a person habitually commits theft out of pure greed and avarice, although he is not in want in any of the basic necessities of life and suffers from no disease affecting his mental capacities, would you still maintain that this form of punishment would not be justified as an extreme penalty" ?

The above question, I would most respectfully submit, can be analysed in the following ingredients:—

(*a*) Should we not attempt to enforce a *principle* as an isolated measure to achieve an end ?

(*b*) Is the term 'punishment' equivalent in connotation with that of the term 'principle'?

(*c*) Is only the heinousness of the offence of *sarqa* or the type of the criminal, the sole criterion for awarding such a drastic punishment in Islam ? If not, then what is the object of this grave punishment ?

As to ingredient at (*a*) my brief answer to it would be 'yes' sir, we should attempt to enforce a *principle* as an isolated measure to achieve an end", but as to ingredient at (*b*) above, I would respectfully submit No', because the terms punishment and principle are of different connotations. Punishment is only a safeguarding measure, and until and unless a principle for which it comes into being is not enforced, the safeguarding measure cannot come into action. For the connotation or concept of the term 'principle' we will have to refer to any ordinary dictionary (for it is not a legal concept). Before me is lying the Shorter Oxford Dictionary. In this dictionary the term 'principle' has got a long list of connotations but I will mention only some relevant out of them :

1. (*i*) Origin, source, source of action.
   (*ii*) Beginning, fountain-head.
   (*iii*) A fundamental source, a primary element, force, or law which produces or determines particular results;

the ultimate basis of the existence of something; cause.

2. Fundamental truth, law or motive force; a fundamental truth or proposition, on which many others depend; a fundamental assumption forming the basis of a chain of reasoning.

Punishment, on the other hand, is a derivative, noun derived from the verb 'punish' connoting fine, pain or penalty. The dictionary connotation of the word punishment is: "The act of punishing or the fact of being punished; also that which is inflicted as a penalty; a penalty imposed to ensure the application and enforcement of a law".

I would vehemently maintain that the term 'punishment' is in no wise equivalent to the connotation with the term 'principle'.

The term 'punishment' is not even equivalent to connotation with the term 'law'.

For the definition of the term 'law', I would humbly draw your Lordship's attention to pages 20 and 41 of the Salmond's Jurisprudence (my book 10th edition).

(Page 20) "In its widest sense the term law includes any rule of action *i.e.* to say any standard or pattern to which action (whether actions of rational agents or operations of nature) are or ought to be conformed. In the words of Hooker, "We term any rule or canon whereby actions are framed a law."

(Page 41) (Definition of law in the restrictive sense).

"The law may be defined as the body of *Principles* recognised and applied by the state in the administration of justice. In other words the law consists of rules recognised and acted upon by courts of justice." (The connotation of principle has already been elaborated).

It is obvious from the above discussion that a punishment is neither a principle nor a law. Principles precede laws; laws are the enacted principles, and punishments come into play only whenever the breaches of laws occur. Juristically speaking, punishment is only a measure of protection and a

safeguard of any enacted principle. I would, therefore, respectfully submit that 'punishment' and 'principle' are quite dissimilar and different concepts, unlike and divers in connotation.

At this stage I deem it necessary to explain the source wherefrom the principles emerge. Let us observe the simple onjuristic phenomena. Laws are made, formulated and promulgated to protect rights and interests of the members of a society, which are based on certain principles that in turn are the off-shoots of a particular outlook on life (we may call it an ideology, a religion, or a philosophy of life) prevailing in a society at a time. A society may have different laws at different epochs *e.g.*, the English. Some years ago homosexuality was a heinous crime in England but with the change of outlook on life, this principle does not find favour in the present enactments of the English law. It is for this, that we find so much divergence in the laws of different social set-ups. The laws of socialistic countries are different from that of capitalists ; of the Chinese are different from that of Malaya or Japanese ; and of the Muslims and Christians are different from that of Hindus and Buddhists, and so on and so forth. Even from this angle of vision, 'punishment' is a different notion from that of 'principle'.

Unlike all other legal systems, Islamic laws are not based on an historical evolution. They are not created, they are rigid, so to say, being based on a definite Ideology. When Islam proclaims the religion of God is one and all the prophets of God form one brotherhood, it is drawing attention not on Sharia but to its fundaments and underlying principles. Sharia follows fundaments. Even according to this explanation, 'punishment' is not a co-equivalent with the term 'principle'.

As to ingredient at (*c*), I would respectfully submit, the sole criterion for awarding such a dreadful punishment is not the heinousness of the offence, or the type of the criminal how hardened he may be and in whatever affluent circumstances he may be living. It is not for the gravity of the offence

(otherwise there are so many other serious offences, more serious than the one under discussion, wherefor no punishment is prescribed in the Holy Quran) but for the preservation of economic system of Islam that this punishment is enjoined (Sarqa is a very comprehensive term but I have used it in the specific meanings of theft keeping in view the recommendations of the Council of Islamic Ideology). This punishment no doubt, in its very nature, is disabling, preventive and deterrent, but it is not isolated. It forms a part of the other injunctions of the Holy Quran. I would draw your Lordship's attention to the fact that there are only two punishments one for sarqa and other for adultery* and fornication, prescribed in the Holy Quran. It shows how jealous is the Divine Law-giver to safeguard and protect the economic system of Islam and to what extent is He abhorrent to open lewdness in matters of sex.

To determine the Divine will and purpose, we have to refer to the context of the Holy Quran. Islam is an ideology of the unity and uniqueness of God in His Person, Word, Spirit and Mandate. Even in its general scheming, or policy, none of the injunctions of the Holy Quran is isolated. Quran the Glorious has not been dealt with as well, subject or topic-wise in its verses, suras or separas, or otherwise it would have led us to the thought of isolation and separation in God's Revelation, it wants us to take it as one united, well-balanced whole in its letters, words, doctrines and arrangement. I have based my arguments entirely on the context of the Holy Quran, the reproduction of the verses whereof will be an unnecessary repetition of the argument treated in the original work. I will therefore refer your Lordship to study once again the chapters entitled, "Nature of the Religion of Islam and Islam's Attitude towards Wealth and Resources."

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* There is another punishment for false imputation of adultery to chaste women but considering that it is a branch of one original, I have not mentioned it separately.—Author,

In my chapter entitled "Impotence of Human Reason" I have amply proved that the human reason being itself of imperfect foresight, cannot fully comprehend the Divine wisdom ; the reason harnessed under the Divine guidance is to succeed only. Without being dogmatic in any form or manner, I hit upon the following reasons or grounds for this severe punishment :—

(*a*) There is a well known tradition from the Holy Prophet (ص) (الخیر عادةٌ والشر حاجةٌ) Good is the nature and evil is the necessity.

Islam comprehends fully that it is "the necessity" that is the source and origin of all evil in a society. It, therefore, cuts its root by enforcing its own specific economic system devoid of 'interest' on capital and compensated by the institution of Zakat. Some of other links I have alluded to in my chapter "Islam's Attitude towards Wealth and Resources". The desistence from 'interest' on the capital does away with all the passions for greed and avarice, or accumulation of wealth for the sake of it. It distributes wealth, as far as possible by its special law of inheritance ; and by motivation and persuasion for deeds of charity etc. It supports those who for genuine reasons remain in need, through the institution of Zakat. It condemns enrichment which is not earned as *maisar*. It first cuts at the root of evil and then subdues the evildoers ; for otherwise, by cutting of the hand, or by prescribing even the capital punishment or a greater torture that a human mind can invent or imagine, we will only infuse in the criminals passions for revenge and resentment and inculcate in them skill, cautiousness, scheming and planning in their nefarious activities.

(*b*) Those who are not acting in management of their economic affairs, according to the Lord's Will *i.e.*, those who are not following the injunctions of the Holy Quran for 'interest', Zakat etc. are themselves depredators ; why, because they are adopting undesirable ways and means for the acquisition of wealth and are usurping the sustenance of

others; may they have by force, power or propaganda legalised such ways or means. They cannot therefore be allowed to cut the hands of those who have simply adopted a different form of the same sin. Islam with Christ would ask them, "who is without sin to cast the first stone": The concomitants of an Islamic society, as such, are an integral and essential part of this form of punishment.

(*c*) Where there is an Islamic society or Islamic economic system in existence in letter, word and spirit of the Holy Quran; where the due share is being taken from the haves and distributed to the have-nots; where the capital is freezed by desistence from 'interest'; and where all other deeds of charity as envisaged by the Holy Quran are being performed, would it not be more than a crime, to deprive any member of such a society of his purified and purged sustenance? Why not then the hands of such evildoers be cut off?

In the end I may submit that law is blind, inflexible, rigid and general; it is not individualistic in its foresight. It may not deal specifically with the single instance narrated by your Lordship.

We can lay any type of punishment for any type of cases or even for an individual case. It may be justified in our reasoning but it is by no means an Islamic punishment unless it falls within the ambit of Islamic Ideology that is to say it is enforced in the sense and spirit of Islamic outlook on life.

Now, sir, as to the measure of reform, I would respectfully reiterate that this punishment is neither a fundament, nor a principle but only a preventive measure to safeguard and protect the economic system of an Islamic society. It would be sheer tyranny, oppression rather barbarism if it is not enforced in the sense and spirit of the Holy Quran. It is therefore unjust, ridiculous and preposterous that we enforce this punishment first and leave aside the fundaments to be enforced at some later occasion. In that case we would be rendering no service to the Ideology of

Islam but giving a new instrument of resentful propaganda in the hands of rivals and enemies of Muslims.

I have not once asserted that piecemeal measure of reform should not be taken up, I rather stand for it. I quite agree and admit that a beginning has to be made at some point of time, so that one reform may lead to another, to complete the chain but that will only be possible if we first enforce the principles or fundaments in sequence. For example, Islamic law of inheritance has been enforced, it may be followed up by gradually dispelling the 'interest' from our society and establishment of the system of Zakat. Along with it by motivation and persuasion, the capitalistic outlook of our gentry will also have to be changed. That will be the right time for enforcing this punishment, in the sense and spirit of an Islamic punishment. Under such flourishing conditions and circumstances when every one of us as to his needs and requirements is looked after by the state and society, I would maintain vigorously that there might perhaps never arise a single occasion where this punishment will have to be resorted to. We had, in our chronicles, negligible or no instances, in the life of the holy Apostle (ﷺ) or the early caliphates where this punishment was ever called for.

As to your Lordship's third objection, I may say with all emphasis that I have full confidence in our judges whose sagacity and wisdom is a universal truth. But, as in all other legal systems, our judges do have their limitations. They do not exercise unfettered judicial discretion. They do interpret law, lay down rulings, but do not legislate. Moreover, our judges, I respectfully submit are not on test or trial. The relevant enquiry in our present case is whether we are enacting a provision of law which we are labelling as Islamic, is Islamic in the spirit and sense of the Holy Quran *i.e.*, the Islamic outlook on life? The crucial point is, if at all we accept Islam as an ideology then to enforce Quranic injunctions wherefrom should we start? And what type of legislation should we seek for?

I would now submit very respectfully rather urge your Lordship to kindly go through my small treatise once again in the light of above observations. Every word of it is not only relevant but necessary to our present enquiry. As standard-bearers of God it is our foremost duty to find out the true common grounds of belief and determine the ideological principles of Islam for the coming generations. This is the only contingency, I think, if we can respond.

I thank your Lordship once more. I am certainly, as I feel, a source of trouble to your noble and peaceful mind, but we are serving a sacred cause - - -a cause towards understanding Islam !

In case your Lordship agree, our correspondence may form a part of our next publication for it would help others also to dispel from their minds their doubts and objections.

Hoping that your Lordship will send your final comments and views at an earliest possible opportunity.

I beg to remain ever to be,
Sir,
Your most obedient servant,
(Mohammad Iqbal Ghazi),
Advocate.

Mr. Justice
Hamcodur Rehman

(SEAL)
Pakistan
Supreme Court,
Lahore, February 1, 1967.

Dear Mr. Ghazi,

I have read your subsequent note dated the 20th November, 1966, on my comments regarding your treatise on "Cutting of Hand and Islamic Ideology". I find that you have conceded that even a principle can be enforced as an isolated measure to achieve a desired end but you are not prepared to accept that there can be any principle involved in punishment or that the heinousness of the crime cannot be regarded as a relevant factor in determining the quality of the punishment.

In the course of your arguments in support of the two above mentioned points you have unfortunately raised a controversy into which I do not think it would be proper for me at this stage to enter. I would, however, like to indicate that I do not agree with your view-point that the Quranic injunctions are not based upon reason and sound principles. To say, therefore, that the punishment laid down for theft in the Holy Quran is an arbitrary edict is something with which I regret I cannot agree.

I am of the view that the punishment prescribed in the Holy Quran is the maximum measure of punishment that can be imposed for the said offence. It does not take away the discretion of the punishing authority to impose a lesser punishment or to make the punishment fit the crime subject to the maximum limit provided.

In saying this, however, I must not be understood to mean that I am opposed to your basic thesis that for the imposition of the Quranic punishment for theft it is also necessary that social order contemplated by the Quran should also be brought into existence. Conditions should be brought about under which there should be no inclination to indulge in a crime of this nature.

I have nothing further to add and I hope that you will not drag me into any further controversy.

Yours sincerely,
(Hamoodur Rehman)

Muhammad Iqbal Ghazi, Esquire,
Advocate,
B-162 Patrangan Street,
Inside Bhati Gate,
Lahore

CUTTING OF HAND AND ISLAMIC IDEOLOGY

I have read with keen euthusiasm Mr. Iqbal Ghazi's brochure "Cutting of Hand and Islamic Ideology." This thought-provocking booklet has been issued at a time when the recommendations of Islamic Advisory Council for enforcing the punishment of "cutting of hand" for Sarqa is under active consideration of the Government.

Though mainly concerned with the subject, the author has subtly touched all the burning topics of the day like birth control, family laws, Islamic Socialism and the 'Slogan of peace' raised by Europeon nations; but he has built up his arguments mainly on the Holy Quran. The main theme of his thesis is 'Nor does He share His command with any person whatsoever' (XVIII-2, Al-Quran).

Islam is a universal religion, a living organism and a complete code of life for all times and all people of whatever creed or country. Whether it is worship, faith or spiritualism, or deeds and actions in social, commercial or political affairs of a society, Islam controls and governs the entire system as a whole and does not admit of dual thinking. At present when the entire superstructure of our society is based on the pattern of the West, we cannot pick up an isolated measure and call it Islam. The author has ably discussed 'the nature of our religion', 'its attitude towards haves and have-nots'; and after pointing out the basic concepts and functions of an Islamic State he poses a big question to its reader, "Whether the enforcement of the punishment of the Cutting of Hand for Sarqa is the only Islam." The sincere efforts of Mr. Iqbal Ghazi are very laudable, that he lifted his pen at a time when it is echoed in certain quarters that the enforcement of the Had is the only panacea of all our social and economic ills and troubles, or by enforcing it through legislation we will be rendering a great service in making our country an ideal Islamic State.

(Sd) Fazle Ghani.

Dt. 9. 2. 67. Mr. Justice Muhammad Fazle Ghani Khan,
High Court of West Pakistan, Lahore.

Judge, High Court,
West Pakistan.

"Chauhan House"
4-Canal Bank,
The Upper Mall, Lahore,
July 18, 1967.

My dear Ghazi Sahib,

I have gone through your commentary on the "Cutting of Hand and Islamic Ideology." In this Article you have dealt *inter alia* with (a) the nature of the religion of Islam ; (b) Islam's attitude towards wealth and resources ; (c) the concept of a State in Islam and (d) lastly, with the punishment of the cutting of hand. The article in some aspects on some of the above items is well-knitted with reasons and gives a faithful consideration to them. The question that arises for consideration is this : is the punishment of cutting of hand an absolute rule, or is it capable of suspension keeping in view the circumstances prevalent in a State, the nature of the society and the time through which a State may be passing ? This aspect of the matter needs a little more probe and your article is an invitation for those who have interest in the problems of life to make more solid research into it. The points more relevant are as to when was punishment of cutting of hand introduced, what is its source and sanction. Is it absolute or does it conceive of any exemptions. Was it uniformally followed at all times and in all countries and places where and when Islam dominated ? When was it discarded ? Why and how ? What are the merits and demerits of such a punishment ? I hope that to keep the subject alive, you will continue your study of this problem and some future publications of yours will deal more thoroughly with it. The present article shows the clarity of your thought and the enthusiasm of your spirit.

With kind regards,

Yours sincerely,
(Karam Elahee Chauhan).

MAY IT PLEASE YOUR LORDSHIP,

Stripped of from other matter following are the queries raised by your Lordship:—

(1) The question that arises for consideration is this ; is the punishment of cutting of hand an absolute rule, or is it capable of suspension keeping in view the circumstances prevalent in a state, the nature of the society and the time through which a state may be passing ?

(2) The points more relevant are :

(a) When was punishment of cutting of hand introduced, what is its source and sanction ?

(b) Is it absolute, or does it conceive of any exemptions ?

(c) Was it uniformally followed at all times in all countries and places where and when Islam dominated ?

(d) When was it discarded, why and how ?

(e) What are the merits and demerits of such a punishment ?

Parawise answers are respectfully submitted as follows :—

(1) With certain juristic qualifications, this punishment is an absolute rule in a society that is based on Islamic Ideology, that spurns 'interest' and recognises 'Zakat' ; and submits also to the other injunctions of the Holy Quran regarding distribution of property, charity, etc. It is capable of suspension in the circumstances when an Islamic society cannot maintain itself on Islamic Ideology. The historic event, the well-known famine (عام الرمادہ) during the time of Umar the Great, referred to by his Lordship Mr. Justice Sardar Mohammad Iqbal Khan in his esteemed comments, can be advanced in support of my argument. Islam is an Ideology of the Unity and Uniqueness of God, *i.e.*, to say (دین توحید). It is a well balanced and well-knit entity. It cannot be allowed to be shattered into fragments. A piece of

it, severed and disconnected from its whole and made a part of any other system, can by no means be called Islamic in that it is not then enforced in the spirit and sense of the Holy Quran. Any state or society serious enough to adopt it as an Islamic punishment, must resort first to enforce the substantive part of the Islamic social system, surely gradually, if it is not possible to do so abruptly.

(2) (a) The following verse of the Holy Quran is the source and sanction of this punishment :

As to the thief
Male or female
Cut off his or her hand :
A punishment by way
Of Example, from God
for their crimes
And God is Exalted in Power
And Wise.

V-41

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوٓا
أَيْدِيَهُمَا جَزَآءًۢ بِمَا كَسَبَا نَكَالًا
مِّنَ اللّٰهِ ۚ وَاللّٰهُ عَزِيزٌ حَكِيمٌ ۝
المائدة ـ ۴۱

It is to be kept in mind that this verse is a part of the Sura that was chronologically the one that was last revealed and that contains the historic proclamation :

This day have those who
Reject faith given up
All hope of your religion.
Yet fear them not
But fear Me.
This day have I
Perfected your religion
For you, completed
My favourupon you
And have chosen for you
Islam as your religion. V-4

اَلْيَوْمَ يَئِسَ الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ
فَلَا تَخْشَوْهُمْ وَاخْشَوْنِ ۚ اَلْيَوْمَ
اَكْمَلْتُ لَكُمْ دِينَكُمْ وَاَتْمَمْتُ عَلَيْكُمْ
نِعْمَتِي وَرَضِيتُ لَكُمُ الْاِسْلَامَ دِينًا ۚ
المائدة ـ ۴

As pointed out by Sir Abdur Rahim in 'Mohammadan Jurisprudence' on the authority of Hedaya, the punishment of "hadd" was prevalent in pre-Islamic Arabia. The practice of the Holy Prophet (ؐ) was, however, not to follow pagan lores. In accordance with the verse :

Those were the (Prophets)
Who received God's guidance.
Copy the guidance they
received. (Vi. 90).

أُولَٰئِكَ الَّذِينَ هَدَى اللَّهُ فَبِهُدَاهُمُ اقْتَدِهْ ۝ الانعام ٩٠

He followed the prior Sharia so long as the new laws were not revealed to him. The particular verse recommending this punishment, as given in Ahsan-us-Tafsir by Deputy Syed Ahmad Hussan, on the authorities of Bukhari, Muslim and Tafsir Ibn Kasir, published by Maktabah Nur Mohammad, Delhi in 1930 and reprinted recently by Maktabah Salfia. Lahore, was revealed and introduced on the day of the conquest of Mecca when a woman of Bani Makhzoomia committed a theft. It is, thus, obvious that until and unless the whole of the Holy Quran was not revealed and its positive injunctions were not enforced and acted upon by the Muslim Society, this punishment did not become a part of the Islamic social system.

(b) On this query, I would reproduce the following paragraph from the Muhammadan Jurisprudence by Sir Abdur Rahim to elucidate the general policy of the Islamic Law. The rest, submitted very respectfully, is beyond the scope of this small treatise :

"I may here mention some of the more important limitations and conditions under which the Muhammadan Law allows the infliction of this form of punishment. The principle underlying them, is that any doubt would be sufficient to prevent the imposition of hadd. For instance, such doubt may arise from the nature of the authority applicable to the facts of a particular case or from the character of the evidence, or from the state of the mind of the accused person, that is his knowledge of the law or facts, or the state of his will at the time of the commission of the offence charged against him. If there be a show of authority though not of a sound character against the accepted law which declares a particular act to be punishable with hadd, this is treated as a doubt, sufficient to prevent the imposition

of such a sentence, even if the accused himself did not entertain any doubt on this point. This is called error or doubt with respect to the subject of the application of law (Shubhatul Mahal شبہة المحل). Even when an offender misconceived the law in a case where there is no foundation for such misconception but he actually believed that what he was doing was not an offence, the sentence of hadd will not be enforced against him. This is called doubt or error with respect to the act (Shubhat-al-Fa'l شبہة الفعل).

(c) Of course, but with minute juridical differences. Those differences still exist in the different schools of Juris-prudence. Any one school that prevailed in a territory had the sway. Books on analytical jurisprudence abound in Islamic literature but I am sorry to say that we lack literature on historical jurisprudence.

(d) For an answer to this query, besides my personal thought, I have consulted the following books :

1. (فلسفہ التشرع فی الاسلام) by Dr. Sabhi Mohmsani of Beruit, translated in Urdu by Maulvi Muhammad Ahmad Rizvi and published by Majlis-e-Taraqqi-e-Adab, Club Road, Lahore,
2. Constitutional History of India by Keith.
3. Faruki's Islamic Jurisprudence.
4. A History of Islamic Law by N. J. Coulson (Islamic Survey No. 2).
5. An Introduction to Islamic Law by Joseph Schacht.

Various political, economical and psychological factors worked to discard this punishment in the Islamdom.

In the early years of Islam, Islamic Ideology was very fascinating and alluring to the lands adjoining the Islamic territories, because it promised to the subjugated and lower classes *i.e.*, the people in majority, equal economical status and relief from bondage and serfdom of the ancient aristo-cracy and autocracy. This factor contributed more than

Muslim prowess* to the rapid and continuous conquests of foreign lands and their wholesale conversion to Islam. But later on, Muslims puffed up with power and pride fell into mutual bickerings and quarrels, for no other reason but that of passions for acquisitiveness. Contrary to their own ideology, they adopted the ways and means of conquered nations. A new aristocracy and autocracy emerged in them and they fell prostrate heart and soul before this new idol of capitalism. No doubt, the new entrants afterwards had been fighting blindly and vigorously for the upkeep of Islamic Ideology, but affected by the environment, they too were gradually absorbed in the majority. Various captivating idols (ideals) of worship, of power and authority, and of fear and torture were invented to keep away, allure and seduce the simple Muslims actually and psychologically from the Ideology of God. Muslims, as Muslim would have vanished long ago if the selfless and pious saints, savants and scholars have not kept unfurled the banner of Islam or ingrained deep in the hearts of the laity the love for the Holy Prophet (ص). Stagnancy, however, became the order of the day in the Muslim world by the acceptance of the aristocratic and autocratic outlook on life. A permanent class of overlords came into being which, for satiety, neither moved themselves nor did allow others, by machiavellian manipulations, for fear of overthrow to proceed forward mentally, physically and politically. In the meantime slumbering Europe by constant Muslim inroads got awake, and finding itself encircled by invincible Muslim forces, went out to discover new lands. This was the Will of God and it was why the Holy Prophet (ص) had so ordered. On the foundations of corrupted Islam, Europe built up its modern capitalism and nationalism. Industrial Revolution and scientific outlook on life, which to Europe was a sheer outcome of evolution, along with its colonies in the new discovered lands, its wealth, its

*Had Muslim prowess been only the cause of the spread of Islam, Umar the Great would never have reverted the invincible General Khalid (SAIFULLAH).

civilization and its culture, dazed the eyes of Muslim overlords and despots. They lost belief in their sacred institutions and regarded the cause of their downfall their own religion. The propaganda of the flag-bearers of the new civilization with new weapons of invention and modern tactics of deceit, worked a havoc and made the Muslim world their veritable mental slaves. The later Turkish Caliphate did not consider the Islamic legal codes sufficient to meet the modern requirements. The broad essentials, of Islam had ever been a great hurdle in the implementation of wishful designs of a despotic and a fluctuating mind. Theirs had never been an Islamic Government ideologically, nor did they understand what the ideology of Prophets was whom they did profess to represent and stand for. Instead of evolving or bringing up to date their own legal codes in consonance with their own ideology, in the year 1580 they adopted French Trade Laws and in 1858 French Agrarian Legislation. After that in accordance with French pattern, criminal law was framed but later on, it was amended profusely in accordance with Italian laws and so on and so forth. The punishments of hadd and that of flogging etc. did not find favour with them and had been discarded long ago. 'Interest' was recognised and legalised. The latest legal document referred to in this connection in (فلسفة التشريع الاسلامي) pertains to 1887. The limited Muslim personal law, codified in (مجلة الاحكام العدلية) that had been the law for Osmanlite Turkey and its subject territories, was repealed for ever after the first World War, though it remained (only in a few matters) law in Lebanon ; and in Palestine, Iraq, Syria and Jordan it is still the law but in an amended form. Modern Turkey adopted without amendment the civil and the criminal laws of Switzerland. The Arab revolt manoeuvred by the British in the first World War, contributed as a good psychological cause for Turkey to banish Arabic Script and with it all the past Islamic literature from its territory. Wearing of hat was made obligatory as a check to prostration and the religion was segregated from politics and was declared to be a personal affair of the subjects. The

associate-god of nationalism was created and the office of Caliphate or representative seat of the Holy Prophet (ﷺ) was abolished for good. Turkey thus stood modernised. One by one, Muslim states in Asia and Africa, severed from their own centre, tell into foreign domination and so discarded this punishment ; or influenced by vigorous propaganda against the religion by the antagonists, were morally degenerated, and that their outlook on life was changed and with it, faith in the propriety of the laws of the Holy Quran. At present, this punishment is the rule only in Saudi Arabia, a Government said to have been established on religious background. To speak particularly with reference to Bharat and Pakistan, with the advent of the English, the laws prohibiting 'interest' and vindicating 'Zakat' being tne contributory factors of the cohesiveness of a Muslim Society were repealed for ever and also this punishment as a piece of inhuman legislation.

(d) A punishment is a punishment, a penalty, a sort of injury. In itself, it cannot have any merits, Juristically speaking, being a punishment. it is detrrent, preventive, reformative and disabling. As a part of a specific ideological economic system of life, based on the elimination of 'interest' and promulgation of Zakat etc, as envisaged by the Holy Quran, it is of great value and high merit. The argument advanced in my letter to his lordship Mr. Justice Hamood-ur-Rehman will further illustrate my points.

I beg to remain,

Sir,

Your most obedient servant,

(Mohammad Iqbal Ghazi).

Judge, High Court, Lahore.
West Pakistan. June 7, 1967.

My dear Ghazi Sahib,

I have the privilege of going through your booklet on the "Punishment of Cutting of Hand and Islamic Ideology." Your exposition of the limitations and inconsistencies of reason, the revelational and spiritual basis of Islam as a complete code of life and the concept of an Islamic Society highlighted in your booklet striking a fine balance between individualism and collectivism, its approach towards wealth, its acquisition and expense, the emphasis on the life hereafter, show your wonderful clarity of thought in a research which appears to have been inspired and conducted by force of conviction.

You have pointedly drawn the attention of the qualified members of the Bench and the Bar and very rightly so to the urgency of interpreting the Quranic injunction of (قطع ید) like other similar provisions in the context of the prevalent economic and social conditions. In fact your theme in a limited sense is an echo of what was stressed by Allama Iqbal in his *Reconstruction of Islamic Thought.*

Coming now to the subject itself it appears that the suspension of the punishment of (قطع ید) by Caliph Umar during the famine days of (عام الرمادہ) which is the strongest argument that could be advanced in support of your thesis has escaped your notice. The imposition of this extreme penalty for the offence of theft, in my opinion, will not be in accordance with the Islamic Ideology unless the economic system and the social conditions are reformed as to justify such a disabling punishment.

I once again congratulate you on a serious and an honest endeavour made by you on a really very difficult subject. I trust that your interest in research on other legal topics will remain unabated and you will set an example for the lawyers and the students of law who have shown very little interest in that direction so far.

With regards,

Yours sincerely,
(Muhammad Iqbal),

No. D. 11868- PVS/66.

President's House,
Rawalpindi.
9th December, 1966.

Dear Sir,

Please refer to your letter dated the 3rd November, 1966 with which you have sent your booklet "Cutting of Hand and Islamic Ideology". Mr. S. Fida Hassan, Principal Secretary to the President has read this booklet with interest and hopes that people would benefit by its study. You have no doubt done a good job in bringing out this publication.

Yours truly,
(A. Waheed)

Deputy Secretary to the President.

Mr. Muhammad Iqbal Ghazi,
Advocate,
B-162, Patrangan Street,
I/S Bhati Gate, Lahore.

Office of the
Minister for BD & LG.,
West Pakistan.

To

Mr. Muhammad Iqbal Ghazi,
Advocate,
B-162, Patrangan Street,
I/S Bhati Gate, Lahore,
No. PS/MED-66/200
Dated Lahore, the 10th Nov., 1966.

Dear Sir,

With reference to your letter dated 3-11-66 I am directed to convey to you the thanks of the Minister for your booklet entitled "Cutting of Hand and Islamic Ideology." The Minister has asked me to convey to you that he has had

a cursory study of the booklet and has found it to be very interesting and informative reading. He hopes to read the book thoroughly at his leisure.

Yours faithfully,

(Sakhawat Ali) WPSS,

Private Secretary to

Minister for BD & Local Govt.,

West Pakistan.

District Bar Association, Dadu,

October, 1966.

To

Muhammad Iqbal Ghazi, Esquire, Advocate,
B-162, Patrangan Street, I/S Bhati Gate,
Lahore.

Dear Sir,

We received with very many thanks the copy of your booklet entitled, "Cutting of Hand and Islamic Ideology."

The booklet contains valuable knowledge on Islamic fundamentals. It is in a clear, racy and lucid language ; and you have taken lot of pains in making it more approaching and perceptive. The achievement is highly commendable.

The portion of it that mainly deals with the subject in hand is so brief and concise as the ordinarily imaginative mind would feel a little embarrassed in catching its main thread. Hence it may be more elaborated for better perception and reception.

Closing with thanks,

Yours faithfully,

(Saiyid Hamid Hussain Meerza),

Advocate,

Auditor,

District Bar Association, Dadu.

8, Durand Road, Lahore.
4-10-66,

Dear Muhammad Iqbal Ghazi Sahib,

Thank you very much for the grace and kindness of thought in sending me a copy of your booklet on Islamic Ideology. It was a pleasure, no less than a profit, to read it. The liberalism and humanity which you have so rightly emphasised (and proved) to be the soul of Islam can, as you say, have its full flowering duty if Islam embraces all life and not only politically convenient nooks and corners of it.

I do not know how to express my appreciation of the undeservedly gracious things you have said of me in your letter.

Best wishes,

Yours sincerely,
(Mumtaz Daultana),

Mr. Khalid M. Ishaque,
Advocate,
Supreme Court of Pakistan
and High Court of Pakistan

9-13, A Court Chambers
Wadhumal Udha Ram Road,
Karachi.

My dear Iqbal Sahib,

1. You had been kind enough to give me a copy of your paper with the heading "Cutting of Hand and Islamic Ideology" and you had also obtained a promise from me to send you my comments on this paper. I have examined this paper with some care and I thought that the problem of the punishment by cutting of hand has many angles which you might consider in addition to the matter on which you have expressed yourself so learnedly in this paper.

2. A basic problem raised by your thesis that the Islamic punishment can be imposed only in the context of an established Islamic Society, may be formulated thus :

"It is the claim of Qur'an that it is guidance for all people at all times. *Ipso facto* it should be possible to act on its injunctions at all times because God commands only that which is possible, and does not require the impossible. The ideal Islamic State, which could in modern terminology answer the description of a truly welfare state, has in our history been in existence only for a very few years of early Khilafat. After the Khulfa-e-Rashideen the Muslim polity had fallen below the standard laid down by the Qur'an. Does this mean that all the provisions of a legislative nature in the Qur'an would remain indefinitely suspended till an Islamic State comes into being ? Historically speaking, it the believers have never been permitted an escape from obeying the injunctions of the Qur'an and Sunnah on the plea that because no truly Islamic State exists, therefore the Muslim is absolved from the liability of obeying them. In fact on the specific point of punishments the classical Muslim Law by common consensus divides crimes into two basic categories. The Hadood crimes and the Ta'ziri crimes, in the former category fall Zina, theft, others specifically mentioned in the Qur'an, and all schools except the Zaidia's be lieve that no Muslim ruler or court has a right to alter the sentence or suspend the imposition of a punishment in the Hadood crimes. It is only in the latter category of Ta'ziri crime that the courts and the rulers have been given a discretion both as to the choice and imposition of sentences. Your thesis will have to reckon with this view of the Muslim Law.

3. Taken to its logical conclusion, the argument that a particular injunction may be suspended till an Islamic Society actually comes into being will logically lead us to a stand that it could also apply to other injunctions of Qur'an like paying of Zakat, offering of prayers etc., and a person could escape all his moral and legal obligations by merely affirming

that a truly Islamic State does not exist and that the Islamic Law can operate only within a given context and that context not existing the operation of that law is *ipso facto* suspended.

4. It might be worthwhile for you to examine in greater detail the philosophy of Muslim criminal law and specially in relation to crimes which go to the root of the social organisation. There are two excellant Arabic works on the subject, namely :

(i) Al-Tashri Al-Islami Al-Janai in two volumes by Abdul Qadir Awda.

(ii) Al-Akoobat Al-Sharia by Ali Qara.

5. You will find in Al-Mufridat of Imam Raghib (the book is now available in Urdu translation) an explanation that phrase 'Qat'al-Yad' (قطع الید) linguisitically speaking is also used in the sense of putting some one under a restrain. In Sura 'Yousuf' the very same phrase Qat'al-Yad is used to describe the injury caused by the women of Egypt to their hands when Yousuf was first brought before them. Sir Syed Ahmed Khan, on the other, hand is said to have emphasised that the use of 'ال' as prefix to the word male thief and the female thief, is indicative of the fact that the punishment is prescribed as the maximum punishment for a confirmed thief. This view, unfortunately, has not found favour with the Arab interpreters from purely linguistic angle.

6. I have made the above random observations to point out the fact that a little closer scrutiny might indicate to you some aspects of the matter which have not yet been adequately examined so far. You could then perhaps make an even larger contribution.

7. Even on the question of social objectives of the Qur'an dealt with in greater detail by you, we could perhaps have a little personal discussion which you might find of some use. I visit Lahore fairly often and if you let me have

your personal address I could send you advance intimation and then we could talk about this subject in greater detail.

Yours sincerely,
Khalid Ishaque

Mohammad Iqbal Ghazi Esq.,
Advocate,
through Ripon Printing Press Ltd.,
Bull Road, Lahore.

Note.—I hope the discussion in my present comments will surely provide a full-fledged answer to the problems of my learned friend.—*Author*

Hakam Qureshi, B. Com., LL.B.,
Advocate, High Court of West Pakistan
& Supreme Court of Pakistan.

5-Turner Road,
Lahore,
27-12-66.

My dear Muhammad Iqbal Ghazi,

Assalam Elakum.

By the Grace of God Almighty I have studied your worthy booklet "Cutting of Hand and Islamic Ideology" which you kindly presented to me on 15. 11. 66.

At page 2 you have defined "Logic" as the science of Reason. A better definition of the same can be had from Arabic works as well as English books. I am grateful to you for having presented me the said booklet. It is full of knowledge.

I have been much impressed the way the matter has been tackled by you in concise, logical and impartial manner. Almost all the important current topics such as interest, banking. zakat, limitation of Human Reason, Inheritance, Democracy and the various isms, Family Planning, Birth control, Wealth, its accumulation and fair distribution, Penal offences and punishment etc. etc., have been aptly discussed and adequately replied in the "Light of Islam". The remedies suggested are in fact the only fool-proof, effective and practical solutions of these problems. These are not only true in theory but are all proven remedies and have stood the test of time. History of the countries where the Muslims ruled, bears direct and ample testimony of this fact. I am in

complete agreement with your deductions and invaluable suggestions contained in the said booklet especially appearing at pages 37 to 41.

In the end I am indebted to you to have afforded me a golden opportunity to read through your said work. I can well imagine the trouble undertaken by you in compiling and publishing the same. May God Almighty reward you for the same. Amen !

Yours affectionately,
Hakam Qureshi.

CUTTING OF HAND
AS
A MEASURE OF PUNISHMENT FOR THEFT.

The Advisory Council of Islamic Ideology has, *inter alia*, recommended that the Quranic punishment of the Cutting of Hand for the offence of Theft be passed into legislation. The reaction of the different social, religious, political, legislative, legal and judicial circles will, indeed, be different. Some may acclaim the recommendation as a step towards implementation of the Principles of Policy, so explicitly and articulately declared by our Constitution. Others may receive the proposal with reservations. Yet others may discard it categorically. These different reactions may, however. be broadly categorized as favourable or adverse. Less sympathetic schools of thought, representing intellectuals, bred and brought upon the Western ways, may dub the proposed punishment as retrograde, outmoded and quite out of tune with the progressive tone and trend of the time. They may describe the punishment as inhuman, cruel and callous which no civilized State or Society could tolerate :— Their plea would be : better reform the criminals rather than permanently disable them and thus swell the number of parasites :

2. These gentlemen——whatever their leanings—— capitalistic or communistic, have developed a purely

materialistic outlook on life. They are not to blame ; They are the people who under the impact of an alien culture have lost sight of the Quranic Sense of Values. There being no common ground with them, they need not be addressed.

3. The greatest sympathy, respect and attention is, however, due to another set of well meaning, well intending intellectuals who sincerely feel and believe that Pakistan was acquired in the name and for the sake of Islam. These frank, forward and unsophisticated gentlemen contend that if you profess Islam in Theory, don't banish it out from Practice. There is no method in this madness ; this is naked hypocrisy. It must end ; let the State and Society take roots in Islamic Ideology ; let Islam be rehabilitated in all spheres of activity ; let the social justice of Islam have its course ; guarantee equal opportunities for all ; give everybody according to his needs and requirements ; simplify marriage ceremonies ; remove un-Islamic curbs on matrimonial ties ; stop all fountain-heads of lust and licentiousness. Do all this and then, by all means, cut the hand of the thief, stripe the adulterer and stone the fornicator to death.

Mr. Muhammad Iqbal Ghazi, Advocate, the learned author of the brief but brilliant treatise "Cutting of Hand and Islamic Ideology" belongs to this group.

4. We should agree with the learned Advocate that merely negative legislative measures, howsoever sincerely promulgated, cannot meet the situation. Just cutting the hand for theft cannot cut at the root of the evil. Something positive, something constructive and consequential must be done simultaneously, if not first. But the question is where to make a start and how ? The problem is rather difficult but not so difficult. The solution is not far to seek. As Muslims, we are bound to have firm faith in the five pillars or tenets of Islam, *viz* (*i*) Kalema (creed) (*ii*) five prayers a day (*iii*) fasting during the month of Ramazan (*iv*) Hajj and (*v*) Zakat.

5. Let us make a start with the organization of *Zakat* on a State-basis. There should be no difficulty only if we

mean implementing our Constitution. The Constitution declares that the Muslims of Pakistan are to be enabled to order their lives in accordance with the fundamental principles and concepts of Islam. Organisation of Zakat is an important and indispensable step in this direction. This is, rather, an essential prerequisite for establishing the much coveted welfare State and the Classless society that Islam contemplates.

6. Seen in the wider International perspective the antithesis between the East and the West or between Communism and capitalism is, in essence, economic. Though this antithesis is more apparent than real, it is there. The world stands divided into two antagonistic camps, arrayed against each other with all the deadly weapons they can muster. The only Third Force——which is at once universal, positive, constructive and consequential is Islam. It is Islam alone which can resolve the conflict. According to Quran, the Last Revealed Book of Allah, we *the Muslims are the Justly Balanced People* (امتا وسطا) We are the *witnesses over the nations* (شہداء علی الناس) God Almighty Who has given us this choicest place and position among all the nations of the world for all times to come, has claimed in relation to us that if He establishes us in the Land we shall maintain regular prayer (اقامت الصلوٰۃ) and regular charity (زکوٰۃ). God has established us in Pakistan. Let us establish His order in this sacred Land, Let us organize Zakat. Let us, thereby, do away with the multiplicity of taxes. Let us then forbid all forms of interest, gambling and betting. Let us evolve an economy in which common man will be free fiom want or worry and let us recreate that moral order in which vice will vanish and virtue prosper.

(Mohammad Sharif Chishti)
M.A., LL.B., (Alig.),
Senior Superintendent (Legal)
Solicitors Department.

Lahore : 1st December, 1966.

Muhammad Rafiuddin Ahmad,
M.A., Ph.D., D.Litt.

I have gone through the booklet "Cutting of Hand and Islamic Ideology" by Mr. Muhammad Iqbal Ghazi and I agree with the view of the author that the Islamic punishment of the cutting of hand for a thief is a part of a whole which is Islam and can be enforced only as a part of this whole and not in isolation from it. This is in my opinion true not only of all the punishments of Islam but also of all its concessions. To justify his view, the author explains that the economic system of Islam is such that if it is enforced in its entirety, no member of Islamic Society can be the victim of a poverty which may drive him to theft and if theft is committed in spite of the absence of want, it can be only due to avarice or greed for which the cutting of hand will not be too great a punishment. In the course of his discussion on this point the writer has touched some of the most important principles of the Islamic Ideology. He is right when he says that the reason of man cannot guide him properly in the absence of the light of Divine revelation and that Islam is not a compendium of unfounded rites but a rational and balanced world view which does not admit of any flexibility in its essentials. The principles of Islam are such that, if observed, they tend to cause equal distribution of wealth and the fulfilment of the basic needs of all the members of the Islamic society. Islam forbids usury and prohibits both the hoarding and the squandering of wealth. The worship of God is, according to Islam, the object of human life and the worship of God includes not only regular and steadfast prayers but also the payment of zakat which is a state institution collected and distributed through a paid executive. The beneficiaries of zakat are declared and not left to the judgment of the society or the state. A state is Islamic if it furthers the Islamic Ideology, that is to say, the purpose and will of God on earth as detailed in the Holy Quran, no matter what may be the type of its execution or administrative machinery.

In my opinion the writer's understanding of Islam is very clear and very commendable for a man of modern education like him.

Sd/.
Muhammad Rafiuddin,

21-11-66

Naseer Ahmad Nasir,
Secretary,
Encyclopedia of Islam,
Panjab University, Lahore,
November 21, 1966.

My dear Ghazi Sahib,

I admit I started reading your treatise entitled "Cutting of Hand and Islamic Ideology" with suspicion and as a critic, but when I finished it, I was convinced beyond all doubts that so far as the problem of punishment of cutting hand is concerned, you have dealt it scientifically and your conclusion is correct; and your work, though small in quantity, is big in quality. It is, undoubtedly, inspiring and is authority on the subject. In my opinion, what the Islamic world needs today is right thinking and right approach towards problems of Islamic Jurisprudence in order to infer right conclusions. I am therefore immensely pleased to find that your approach and conclusions are both right and correct. I admire your insight into the Quran-i-Hakim and feel that if you undertake to write on Jurisprudence of Islam, you would surely render a great service to the Islamic Society. This treatise is indeed a scholarly treatment of the subject and a work of outstanding merits.

With best wishes,

Yours sincerely,
(Naseer Ahmad Nasir)

Mr. Muhammad Iqbal Ghazi,
Advocate, B-162 Bhati Gate, Lahore.

BB/341,
Krishanpur,
Rawalpindi,
The 8th of March, 1967.

Dear Ghazi Sahib,

Your book "Cutting of Hand and Islamic Ideology" is a contribution of great value to the cause of Islam. The approach to the theme is enlightening, convincing, catching and leading to the right understanding of the Divine commandments of commission and omission. The headings selected to conclude the tenets and the principles explained thereunder are of great significance in revealing the right conduct of human life. All the important points have been examined with a deep and keen insight into the declicacies of social life, and it has been proved comprehensively that integration in man's life cannot be maintained by compartmentalizing it to serve both God and the Devil.

I highly appreciate your bold and honest attempt at awakening the Muslims from their slumber.

With best wishes,

Yours sincerely,
(Jalaluddin Butt).

8-3-67

AMERICAN FRIENDS OF THE MIDDLE EAST, INC.
Middle East House 1607, New Hampshire Avenue, NW,
Washington, DC 2000-9
January 30, 1967.

Muhammad Iqbal Ghazi, Advocate,
B-162, Patrangan Street,
I/s Bhati Gate, Lahore, Pakistan,

Dear Matre Ghazi:

Some time ago you sent a copy of your book, "Cutting of Hand and Islamic Ideology" to Dr. Garland Evans Hopkins. Dr. Hopkins passed away two years ago, and somehow the copy arrived at my desk.

I was quite interested in reading the booklet, particularly as you stated in the beginning that Islamic rules and laws should be enforced only in a society which follows strictly all the injunctions of Islamic life. In other words, as hardly any present-day Muslim society lives according to these principles, therefore this particular rule should not be enforced, or at least should not be enforced arbitrarily.

I fully agree with this proposition although it seems to me that such an ideal state as envisioned by the concepts laid down in the Quran will never or hardly ever exist nor has it ever existed. Nevertheless, this rule has been enforced, and I think that under the circumstances of a country like Arabia or Afghanistan or the Steppes of Central Asia it was beneficial. It seems cruel to us, but in many respects it is the only way of keeping in bounds people who otherwise are inclined towards lawlessness.

You also mentioned in your booklet the question of usury and connect it with a capitalistic society. It is true that interest on money constitutes today the basis of our trade and commerce, and as long as the interest rate remains in reasonable bounds, it cannot be classified as usury. In ancient times, trade and commerce were in the hands of a few people and relatively circumscribed. Great public works were not undertaken by individuals or groups but by the emperor or ruler, if any of these works were undertaken at all. But today, for instance, operating a railroad system cannot be done by the financial means of one individual or family, so outside finances have to be called in. Now in what way can you recompense a person who is willing to venture part of his capital or wealth? It can be done only by giving him a certain percentage of the gain which is called interest; and as in such long-range ventures the income varies, a definite amount has to be set aside. Forbidding to take any type of interest would probably bring all large-scale undertakings to a standstill. This type of financial transaction is, in fact, nothing but an enlarged version of "tigara", and I really do not believe that the prohibition of "ribwa" in the Quran covers this type of

modern finance. It did cover the pernicious loanshark who would loan money to an individual and in recovering it would deprive him of his means of sustenance.

Although we have not met personally, probably you have heard of me, as I have been in Pakistan several times and several of my books on Islam are on sale in Pakistan bookshops.

With best regards,

Sincerely yours,
(Erich W. Bethmann)
Director of Research.

Review and Comments in the January Issue of the Quarterly "Iqbal", 1967.

CUTTING OF HAND AND ISLAMIC IDEOLOGY
By Mohammad Iqbal Ghazi, Advocate.
Published by the author (B-162, Patrangan Street, Bhati Gate, Lahore).
Demy 8vo., pp. vi+41. Rs. 1.50.

As described on the title cover, this brochure purports to be a commentary on the recommendations of the Advisory Council on [*sic.*] Islamic Ideology with some of the salient features of Islamic ideology brought out in conspicuous words'. The author uses the Divine words: 'Say: The truth is from your Lord. Let him who will believe, and let him who will reject (it)' (The Qur'an, xviii. 29), leaving it to his reader to accept or reject his thesis, but at the same time, quoting a verse from Iqbal, he asks the reader to decide which course to adopt, advising him not to 'put his feet in two boats' which is most likely to end in tragedy.

Mr. Ghazi is of the view—and all will agree with him—that unless we islamise the entire structure of our society, piecemeal legislation, like that of cutting of hands of convicted thiefs, would do more harm than good. In the presence of the Evidence Act now in force in Pakistan, he says, if thievery is enacted to be punished by severing of hands, in spite of the best wishes and endeavours of our judges, there will soon be handless people all around, the fake witnesses, perjurers, and liars being there to help make up cases against the innocent

accused.

The author very ably builds up his thesis mainly on the basis of the Holy Qur'an and says to have 'deliberately avoided support from all other sources' in order to save his arguments from unnecessary controversies. This indicates the sincerity of his purpose, and is laudable at that.

The book has been split up into six sections, besides the Preface and L'envoi: The Impotence of Human Reason; The Nature of the Religion of Islam; Islam's Attitude towards Wealth and Resources; The Concept of State in Islam—the Functions of an Islamic State; and The Punishment of the Cutting of Hand. A very logical approach is this, and the way he has argued the matter points to his keen insight, clear-headed thinking, and Islam-consciousness.

Under 'The Problem', he expresses his bewildmerment at the suggestion of the enactment of the Quranic punishments of cutting of the hand, etc., for the offence of theft, proceeding from the Advisory Council of Islamic Ideology, especially as it is headed by 'a staunch Muslim of unique personality and of unquestionable ability'. He thinks the suggestion is proceeding perhaps on the assumption that these 'punishments are a thing separate, independent and isolated from the other injunctions of the Holy Qur'an......or perhaps being dreadful and drastic in their character would have a wholesome influence on the malefactors of the society......'

He then discusses Impotence of Human Reason. Admitting reason as 'a great power of the sort of electricity emanating great energy...' he warns that it is 'like a bolter that ever remains in tough fight with his own bridle'. He gives many examples of what the 'rational man' has been doing throughout the ages: killing and exacting blood for hand-made statues of stone...; drowning his fair and innocent daughters to appease some deity or sacrificing them in a false notion of pride—committing all these atrocities with some reason behind! What has this rational man not done to change this paradise of earth into a hell by his false thinking, unfounded fear, greed, and avarice.

Islam, the author says, is not averse to reason or intellect,

nor does it plead blind faith. It 'suggests [the] middle course: the reason harnessed under Divine Guidance'.

The author now deems it most necessary to be very clear as to the Nature of the Religion of Islam: This portion of the booklet deserves to be studied thoughtfully; the reader will surely profit from it. It is seldom that one comes across such beautiful and well-reasoned writings. Interspersed with quotations from the Holy Qur'an, the section defines Islam in a way—not the author's own—unquestionably acceptable to many a diffident mind.

After having ably discussed the nature of Islam, he deals with Islam's Attitude towards Wealth and Resources. He says that while studying Islamic punishments, one has to study their correlative mandates. Side by side with enjoining punishments, Islam builds up a social social set-up dealing with wealth and resources, specially its own. The thesis here is that these punishmenrs, if enacted in a social set-up other than Islamic, would be 'nothing but tyranny and oppression'. Islam ensures everyone in the Islamic society his share in the material resources of life meeting at least his natural and basic requirements. This assured, the defaulters can justifiably be punished.

Then comes the Concept of State in Islam. According to the Islamic Ideology, the worship of God, he says rightly, is the foundation-stone of liberty, fraternity, and equality of man. The very word 'Islam' means submission exclusively to God's will. A man bowing before a man is revolting indeed, In an Islamic State it is God Who is the ruler and the man-ruler is just His vicegerent. No matter what type of an executive and administrative State it is, if it furthers the Islamic Ideology, it is an Islamic State. In brief, the author enumerates the functions of an Islamic State and establishes the fact that, in addition to other functions, it is its responsibility to provide maintenance to all.

Having discussed Islam's definite outlook on life with its specific attitude on wealth and resources and emphasising the responsibility of the State and society to assure that all are

provided with according to their needs and requirments, the author now surveys the Punishment of the Cutting of Hand. Islam, he says, enjoins punishments with certain juristic qualifications. The mischief-mongers and the malefactors of society are the most ungrateful creatures causing economic inequilibrium in society and disturb its peace and security for no other motives than envy, jealousy, avarice, and greed.

He is sad to find that we in Pakistan, though it was gained on Islamic ideology, have 'not yet accepted the supremacy of God, at leasts in its economic phase'. The lament is justified—and every Islam-conscious mind joins him in this—in view of the sorry spectacle witnessed all around. The government in Pakistan has from time to time given vociferous expression to its desire to better the conditions of the common mass of people and in fact many good things have been done. But the fact must be admitted that the goal is yet far, far away. The conditions cannot change overnight, no doubt, but there must be indications that WE intend doing this. Is it that WE have become too self-centred to care for the common good? If we have sincere belief in Islam, not mere lip profession, we must be up and doing, else we are doomed. In Pakistan, God has given us an opportunity to prove the efficacy of Islam in curing all the modern ills. We are called upon to make Pakistan a really Islamic State, to be a practical example for the world to see, to admire, and to follow.

'We have no dearth of great men....we have competent judges, jurists and lawyers....great educationalists, philosophers....Is this not a common subject of us all to understand and make others understand what Islamic Ideology is ?

The author believes in the sincerity and loyalty of the present ruling class in Pakistan both to the nation and Islam; they are not exploiting Islam to achieve their political ends. What they need attend to, he says, is to dissociate themselves from the cursed heritage of capitalism inherited by them from the previous regime.

—M. Ashraf Darr

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۳- سندر داس روڈ، فرمان پارک، لاہور-

4-2-67

مکرمی غازی صاحب! سلام مسنون

صدق جدید کا تعارف آپ کی کتاب کی نسبت حسب ذیل ہے-

"Cutting of Hand and Islamic Ideology"

ازمحمد اقبال غازی صاحب ایڈووکیٹ ۴۲ صفحہ قیمت 1.50

رپن پرنٹنگ پریس- بل روڈ، لاہور

"خلاصہ رسالہ یہ ہے کہ چور کے لیے قطع یدؐ کی سزا عام اسلامی تعزیرات سے الگ اور نظام شریعت سے بے تعلق ہو کر نہیں بلکہ اسی کے ایک جزو لاینفک کی حیثیت سے ہے اور ایسے معاشرہ میں اس کا نفاذ جو سر تا سر غیر اسلامی ہو، شریعت کو مطلوب نہیں- احکام اسلامی سب ایک مرتب نظام کی صورت میں ہیں- تعزیرات شرعی کا نفاذ بھی ہوسکے گا، جب حاکمیت اسلامی قائم ہو— رسالہ پر مغز ہے اور دلائل تمام تر قرآن ہی سے پیش کئے گئے ہیں، گو ضمناً بہت سے قانونی نقطے اور مسئلے بھی آگئے ہیں"-

صدق جدید جلد نمبر ۱۷ شمارہ نمبر ۵

مؤرخہ ۳۰ دسمبر ۱۹۶۶

والسلام و الدعا:

شفقت جیلانی-

Book Review from *Islamic Literature*, November, 1956. Lahore.
"Cutting of Hand and Islamic Ideology"
by Muhammad Iqbal Ghazi,
(Can be had of Ripon Printing Press,
Bull Road, Lahore.
Pp. 41. Price Rs. 1.50.

Criminal law may be defined "as the body of precepts and practices which a community employs to protect itself by the

use of force against acts which impair or endanger its internal peace and security." In order to keep civil society together and to protect innocent people from crime and high-handedness, certain principles are laid down on which people can build up their criminal law. In Islam it is not the mortals but God Who has presecribed rules for punishment and these form an integral part of the Islamic system. The book under review is a commentary on the recommendations of the Advisory Council on Islamic Ideology that Islamic punishments should be enforced to protect society from the ever increasing lawlessness in Pakistan. The contention of the author, "The punishment of the cutting of hand is part and parcel of a particular system of life that in its very nature is singular, unique, inseparable, indivisible, well balanced. one united, absolute whole....and until and unless this system of life is enforced in its entirety, these punishments cannot be enjoined ; they are then synonymous with tranny and oppression." (Preface).

The author believes that these punishments are conditional and if "Islam resorts to these punishments it lays a great responsibility on the society and state to provide to every one of its members according to his needs and requirements." He says with a sense of deep sorrow and anguish that "here (in Pakistan) the capitalism is raging in its most heinous form. Here the interest is recognized and the Zakat is denied. We have in our laws no right to claim any relief whatsover for the destitute, the weak and the down-trodden. We do not promise a job to the unemployed, nor do we guarantee to every one the equality of opportunity. We have not granted yet to our people the rights of food, clothes, education and free medical aid. In such sort of affairs to punish the people by cutting their hands off, will lead to nowhere but breed a race of cripples and this even not for any sacred cause of Islam but to prop up capitalism." (p. 38)

We agree in fundamental with the learned author that Islamic punishment must be enforced in their entirety only when we have created a sound and just social order for it.

The right of property can be justly guarded only when it has been acquired and spent according to the principles of Islam. But we must not forget that restraint and prohibition is also the function of punishment. We do not find any injustice or oppression if the offenders who have become overbold and commit heinous crimes in broad daylight without any fear, are given deterrent punishments. How should the society deal with them who commit enormus crimes simply because they find the hand of the law too soft for them ?

The assertions of the author are, however, bold and illuminating and one can hardly disagree in principles with the views given by him.

ماہنامہ نگار پاکستان فروری ۱۹۶۷

Cutting of Hand and Islamic Ideology

بیالیس صفحات پر مشتمل ، محمد اقبال غازی ایڈووکیٹ کا علمی مقالہ ہے جس میں موصوف نے حکومت پاکستان کی اسلامی مشاورتی کونسل کی اس سفارش کے عواقب و اثرات کا تنقیدی جائزہ لیا ہے جس میں کونسل مذکور نے چوری کے سلسلے میں چور کا "ہاتھ کاٹنے" کی سزا کو قانونی حیثیت دینے کا مشورہ دیا ہے۔ اسلامی مشاورتی کونسل کے ارکان میں بعض صاحب نظر و باخبر حضرات بھی شامل ہیں۔ اس لیے ممکن ہے کہ وہ نیک نیتی سے اس نتیجہ پر پہنچے ہوں کہ بعض شرعی قوانین کے نفاذ خصوصاً چور کے ہاتھ کاٹنے کی سزا کو قانونی شکل دینے سے جرائم کا انسداد ہو سکے گا۔ لیکن افسوس کے ساتھ کہنا پڑا کہ مشاورتی کونسل نے مملکت اسلامی کی نظامت عدلیہ کی روح کو نہیں سمجھا ورنہ وہ موجودہ معاشرہ اور موجودہ نظام حکومت میں "کسی شرعی سزا کو قانوناً بروئے کار لانے پر اصرار نہ کرتے۔ اس لیے کہ دور حاضر کا جمہوری نظام خواہ بعض مسائل میں اسلام سے کتنا ہی قریب کیوں نہ ہو اور اپنی ساخت و ظاہری صورت کے لحاظ سے وہ حکومت شرعیہ سے

کتنی ہی مماثلت کیوں نہ رکھتا ہو، اتنی بات تو پھر بھی واضح ہے
کہ وہ یکسر اسلامی نہیں ہے اور فاضل مقالہ نگار نے اسی کمی کو
بنیاد بنا کر مشاورتی کونسل کی سفارش کو قبل از وقت اور
غیر دانشمندانہ قرار دیا ہے۔ صاحب مقالہ نگار نے اس سلسلے میں
حکومت شرعیہ اس کے اقتدار اعلیٰ و ارکان فرائض و حقوق،
غائت و منشا نظام عدل و قانون اور مجلس مشاورت و مجلس انتظامیہ
سب کا قرآن حکیم کی روشنی میں جائزہ لیا ہے اور دلائل سے یہ بات
واضح کر دی ہے کہ ہمارا موجودہ معاشرہ اور موجودہ نظام حکومت،
خلافت راشدہ کے نظام یا خالص اسلامی طرز حکومت سے بہت
مختلف ہے، اتنا مختلف کہ اس میں کسی مخصوص باب میں شرعی قانون
کے نفاذ کی کوشش مفید کے بجائے مہلک ثابت ہو سکتی ہے...
فاضل مقالہ نگار کا یہ خیال درست معلوم ہوتا ہے اس لیے کہ موجودہ
معاشرہ اور جمہوری نظام کچھ اس انداز کا ہے کہ اس میں حقیقی
مجرم کو بے گناہ اور معصوم ثابت کر دینا کچھ مشکل نہیں ہے
اس لیے تاوقیتکہ مملکت و حکومت کے سارے ڈھانچے کو احکام شرعیہ
کے تابع نہ بنا لیا جائے اور ایسے سارے امور و اختیارات کو جو
مجرم و غیر مجرم کے امتیازات کرنے میں پیچیدگی و دشواری پیدا
کرتے ہیں، عملاً و قانوناً دخیل ہونے سے روک نہ دیا جائے، کسی
شرعی سزا کے قانونی نفاذ سے مفید مطلب نتائج مرتب نہ ہوں گے۔

ضرورت اس امر کی ہے کہ زیر بحث مسئلے پر جوش مذہبی
کے ساتھ نہیں بلکہ عالمانہ سنجیدگی سے غور کیا جائے اور اس کے
روشن و تاریک دونوں پہلوؤں کو پوری طرح نظر میں رکھ کر
کوئی رائے قائم کی جائے اور یہ اسی وقت ممکن ہے جب کہ کونسل
مذکور کی سفارشات کے ساتھ ساتھ زیر نظر مقالے کا مطالعہ بھی ضروری
خیال کیا جائے۔ کیا اچھا ہوتا کہ اس انگریزی مقالہ کا اردو ترجمہ
بھی شائع ہوتا تاکہ بات انگریزی سے ناواقف علمائے مذہب تک
بھی پہنچتی اور مسئلے کے دوسرے پہلوؤں سے آشنا ہونے کا انہیں
بھی موقع ملتا۔

ماہنامہ ترجمان القرآن فروری ۱۹۶۷ء

قطع ید اور اسلامی آئیڈیالوجی

(بزبان انگریزی)

تالیف: جناب محمد اقبال غازی ایڈووکیٹ

ملنے کا پتہ

رپن پرنٹنگ پریس - بل روڈ لاہور یا براہ راست مصنف سے

B/162 پٹرنگاں سٹریٹ - بھاٹی گیٹ لاہور

اس کتاب کے مصنف ایک مخلص ماہر قانون ہیں - انہوں نے اسلامی مشاورتی کونسل کی سزاؤں کے بارے میں سفارشات پر تبصرہ فرمایا ہے - ان کا دعویٰ یہ ہے کہ اسلامی سزاؤں کا نفاذ اسی صورت میں مستحسن ہے جب پاکستان میں عملاً اللہ کا دین اپنے پورے مقتضیات کے ساتھ نافذ ہو - ان کے نزدیک چوری کا ارتکاب کرنے والوں کو بلاشبہ قطع ید کی سزا دی جائے، لیکن اس وقت جب اسلام کا معاشی نظام عوام کی بنیادی ضروریات کا کفیل ہو اور معاشرے میں دولت کی منصفانہ تقسیم ہو - اس ضمن میں فاضل مصنف کی تصریحات ملاحظہ ہوں:—

''ہم پر سرمایہ دارانہ نظام اپنی بدترین صورت میں مسلط ہے، یہاں سود کی لعنت موجود ہے- مگر زکواۃ کی رحمت سے ہم محروم ہیں- ہمارے یہاں کوئی ایسا قانون نہیں جسکی رو سے ایک بے سہارا، کمزور اور مفلوک الحال معاونت حاصل کر سکے - یہاں روزگار کی کوئی ضمانت نہیں اور نہ عوام کو ترقی کے ایک جیسے مواقع میسر ہیں - پھر انہیں زندگی کی بنیادی ضروریات مثلاً خوراک، لباس، تعلیم اور مفت طبی امداد کے حصول کا قانون کی رو سے کوئی حق نہیں''-

مصنف کا احساس یہ ہے کہ سزائیں سرمایہ دارانہ نظام کی تقویت کا باعث ہونگی -

جناب غازی صاحب کا نقطۂ نظر صحیح ہے کہ اسلام کو پورے کا پورا اپنانا چاہئے - لیکن انہوں نے شاید اس حقیقت کو نظر انداز کر دیا ہے کہ اس ملک میں ہر چور اس بنا پر چوری نہیں کرتا کہ وہ بنیادی ضروریات سے محروم ہے - وہ تبصرہ نگار سے اتفاق فرمائیں گے کہ یہاں بہت سے جرائیم کسی مجبوری کی بنا پر نہیں بلکہ محض فیشن کے طور پر کئے جاتے ہیں اور مجرموں کی غیر صحت مند رجحانات اور سزا سے بچ نکلنے کے وافر امکانات یا سزا کے اندر انتہائی نرمی ارتکاب جرم میں انہیں جری اور دلیر بنا دیتی ہے۔ ایسے لوگوں کیلئے جومعاشرے کے امن و سکون کو خواہ مخواہ بغیر کسی معقول وجہ کے برباد کر رہے ہیں ، سخت سے سخت سزائیں ھی باز رکھ سکتی ہیں -

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روزنامہ نوائے وقت مؤرخہ ۱۱ اکتوبر ۱۹۶۶

* قطع ید اور اسلامی نظریہ (انگریزی)

از محمد اقبال غازی ایڈوو کیٹ - طباعت عمدہ ، ضخامت ۴۲ صفحات قیمت بلا جلد ڈیڑھ روپیہ، ناشر: رپن پرنٹنگ پریس - بل روڈ لاہور۔

جرم و سزا کا معاشرتی حالات سے چولی دامن کا ساتھ ہوتا ہے - نامساعد حالات میں سخت علاج کی ضرورت محسوس ہوتی ہے - اسلامی سزاؤں کے نفاذ کا جب مطالبہ کیا جاتا ہے تو اس میں ہرگز یہ بات شامل نہیں ہوتی کہ معاشرہ و معیشت میں دوسری اخلاق و عملی اسلامی تعلیمات کو نظر انداز کر دینا چاہئے - فاضل مؤلف نے یہ کتاب اسلامی مشاورتی کونسل کی اس سفارش سے متاثر ہو کر لکھی ہے کہ پاکستان میں اسلامی سزائیں نافذ ہونی چاہئیں - موصوف ان نام نہاد روشن خیال اور تجدد پسند لوگوں میں ہرگز شامل نہیں ، جو اسلامی سزاؤں کا نام سن کر ''نئے زمانے میں آپ ہم کو پرانی باتیں سنا رہے ہیں،'' کا رد عمل ظاہر کرتے ہیں - انہوں نے اس بات پر زور دیا ہے کہ اسلامی سزائیں نافذ کرنے کیلئے پہلے معاشرہ کو اسلامی تعلیمات سے

ہم آہنگ بنانا چاہئے۔ ان کا یہ ارشاد درست اور نقطہ نظر قابل قدر ہے لیکن اس معاملہ میں وہ کافی حد تک انتہا پسند ہوگئے ہیں اور یہاں تک لکھ گئے ہیں کہ چوروں کیلئے ہاتھ کاٹنے کی سزا سے ہر طرف لنجے لوگ نظر آئیں گے۔ اس کا یہ مطلب ہے کہ ان کے نزدیک پاکستان میں اکثریت چوروں، سارقوں اور رہزنوں پر مشتمل ہے۔ یہ ایک خلاف حقیقت خیال اور بے بنیاد وہمہ ہے۔ چوری، سرقہ اور رہزنی کی وارداتیں عام ہونے کے باوجود معاشرہ میں ان حرکتوں کے مرتکب افراد کی تعداد آٹے میں نمک سے بھی کم ہے اور نہ جو لوگ دوسروں کا مال چراتے ہیں، وہ سب کے سب معاشی مجبوری کے تحت ایسا کرتے ہیں۔ البتہ ہر چوری کی واردات کسی گھر کو سکھ سے محروم اور بعض اوقات ناقابل تلافی نقصان سے دو چار کر دیتی ہے۔ فاضل مصنف پیشہ قانون سے تعلق رکھتے ہیں۔ اگر وہ اس ضمن میں وارداتوں اور مقدمات کی نوعیت و تفصیل کا تجزیہ کرتے تو اس زحمت کے نتائج غالباً ان کی آنکھیں کھول دیتے۔ چوروں کیلئے ہاتھ کاٹنے کی سزا نافذ ہونے سے غالباً دس بارہ افراد سے زیادہ لوگوں کو یہ سخت (اور تا زندگی عبرتناک) سزا دینے سے زیادہ تک نوبت نہیں آئیگی۔ اس کی تصدیق سعودی عرب سے آنے والے ہزاروں زائرین بیت اللہ شریف سے بھی کی جا سکتی ہے کہ اب وہاں کے حکام سے اس سزا کے بارے میں پوچھا جائے تو وہ از خود ہمیں بتا سکتے کہ آخری بار یہ سزا کب دی گئی تھی۔ لیکن مصیبت یہ ہے کہ ہم لوگوں نے احساس کمتری اور کچھ مغرب کے زہر آلود فکر و نظر سے مرعوب ہوکر اس واہمے کو اپنے دل و دماغ پر مسلط کر لیا ہے کہ چوروں کو ہاتھ کاٹنے کی سزا دے کر ہم اپنی آبادی کی اکثریت کو لنجا بنا دینگے۔ حکیم الامت علامہ اقبالؒ نے غالباً اسی انداز فکر و نظر کے بارے میں کہا تھا۔

قومے بمیرید از بے یقینی

Book Reviews of the 'Pakistan Times' September 17, 1967

"CUTTING OF HAND AND ISLAMIC IDEOLOGY",

By Muhammad Iqbal Ghazi,

Publishers: Ripon Printing Press, Lahore.

The subject matter of this short treatise is punishment prescribed in Holy Quran for the offence of theft, namely the cutting off of a thief's hands. The author has taken great pains to assert that this punishment could only be effectively enforced in its true ethical perspective when Islamic socialism prevails (at least this is the sum-total of his argument), and there are sufficient guarantees against poverty and utter destitution. This pre-conditioning of an enforcement of Islamic law is contrary to the broad-based principles of criminal law; the author has leaned much too emotionally towards the conventional sense of pity; in this he seems to have been unduly influenced by the Christian concepts of mercy and forgiveness. These concepts, however, are extremely negative and impracticable, and it is for that reason that the laws in the Christian world do not conform with them.

The author seems to have lost sight of the fact that punishment is the primary sanction in criminal law and the aim of all criminal laws is to punish those who offend against the rules prescribed for the protection of society. Thus the main purpose of punishment is to deter prospective offenders from committing offences and actual offenders from repeating them.

The Quranic injunction of cutting off the hand of the thief is applied in the corrective spirit and has no tyrannical implications. The Quran considers theft a criminal offence and prescribes a punishment which cuts at the very roots of the criminal attitude. It should be kept in mind that offence of theft is not essentially committed to satisfy hunger. It is generally committed to get rich overnight. It is again equally important to understand that Islamic jurisprudence is not packed in water-tight compartments. It is flexible and is alive

to the motive of an offence. If a hungry destitute steals a loaf of bread merely to satisfy his hunger, there is enough latitude in Shariah to condone the offence. What is repugnant to the Islamic Law is swindling and thieving as an attitude of life.

It is not to be denied that laws are formulated to protect society and society could only function in its normal behaviour when there is peace all around. In Islam breach of peace is abhorred and stringent measures are prescribed to keep the community in a state of amity. Theft is not a minor offence. It disturbs the life of the community. It creates misery for those who have been deprived of their valuable possessions. On the other hand, it engrafts in the mind of the offender an attitude of getting rich at the expense of others. This conflict of interests often leads to gruesome murders and the peace of the community is jeopardised. If the Quran orders the cutting off the hands of such anti-social elements, why should there be such an outcry against it?

In response to the above comments

The pre-conditioning of an Islamic System of laws is not poverty or utter destitution; these are simply some of the ultimate natural results of a Non-Islamic System. The term law used here with reference to a punishment also begs the question, because a punishment is a measure of safeguard to the breach of a law or an enacted principle. The pre-conditioning to the enforcement of an Islamic law particularly with reference to the punishment under discussion is the negation of the system that recognises 'interest' and affirmation of the system that ratifies 'Zakat'. The author is misunderstood when it is said, "The author is leaned too emotionally towards the conventional sense of pity, in that he seems to have been unduly influenced by the Christian concept of mercy and forgiveness. These concepts, however, are extremely negative and impracticable and it is for this reason, laws in the Christian world do not conform with them". The author has simply presented, by collation of verses of the Holy Quran, Islamic Ideology. He has neither added to, nor

subtracted anything from it on his part, and has thus remained aloof, disinterested, unfluenced and objective to the proposition, and wishes anyone dare oppose him on the basis of the sacred Text.

Basically Islam and Christianity do not form two different Ideologies. It is altogether another thing that the so-called Christian world and the Muslim overlords and despots do not submit to the Ideology of God. The author finds it very difficult to reconcile to himself the two divergent concepts of "Islamic Socialism" and "Christian negative attitude" attributed to and hurled upon him in one and the same breath by the learned commentator. The so-called broad principles of criminal law living in the mind of the learned commentator, it is submitted very respectfully, are merely a trash or a piece of pagan lore if they do not conform with the aim and object of the Revelation or the Universal Will, and cannot as such, be adduced to rule out the mandatory injunctions of the Holy Quran. No society can perpetuate under unjust laws that uphold and maintain only the interest of a particular class. It is doomed sooner or later. The greatest oft-repeated epithets of God in Islam are that, He is Oft-Returning, Most Merciful, Most Gracious. It is the merciful spirit of the human society that we are surviving still. It is His Infinite Mercy that He sent up Prophets of mercy especially the Prophet (ص) who is Mercy to all the worlds (رحمة للعالمين), an ideology and a law in a universe that comprehends and caters to the needs and necessities of every one of His creatures. God in Islam is, too, Lord of Retribution, Irresistible and All-compelling Who does not spare those that flout His Ideology. I may point out here to the learned commentator that the concept of pity and mercy is more positive in Islam than in any other religion in that it eliminates too, the 'selfish element', the enemies of God, those who are enemies to pity and mercy. It is correct and I do agree with the learned commentator that 'the Quranic Injunction of the cutting of the hand is applied in the corrective spirit and has no tyrannical implications. It cuts at the very root of criminal

attitude'. But it must be kept in mind that hunger and starvation are the sure consequences of an uncontrolled capitalistic system. First enforce the substantive part of Islamic System, then to safeguard this system bring in the said punishment. We certainly cannot then spare those who want to become rich overnight and upset our economic system balanced in the sense and spirit of the Holy Quran. It is also a farce to think that we should introduce first a system in society that may flourish starved and hungry and then go on condoning their offences on the basis of a principle in the jurisprudence. In Islam 'breach of the peace' is strongly abhorred, but who causes this breach, those who antagonise the Islamic way of life, that is to say, those who approve of 'interest' and deny 'Zakat'. Richness based on 'interest' has no place in Islam, the earlier it goes, the better it is. It is blood sucking, it is more than thieving; Islam would never protect it, least by cutting the hands of any one. Rather it openly declares war of God and His Apostle to those who ratify and approve of the 'interest' Says the Holy Quran:

If you do it not
Take notice of War
From God and His Apostle.
II-279.

فَإِنْ لَّمْ تَفْعَلُوْا فَأْذَنُوْا بِحَرْبٍ
مِّنَ اللّٰهِ وَرَسُوْلِهٖ (البقرة – ۲۷۹)

—The Author.